

Agenda
Zoning Board of Appeals
July 15, 2021
6:30 PM

1. Virtual Meeting Instructions

Documents:

[7-15-21 Zoning Board Meeting Instructions.pdf](#)

2. Pledge Of Allegiance

3. Approval Of Minutes

Documents:

[6-17-21 Draft.pdf](#)

4. Chad & Catherine Bailey, 5507 Sandstone Way, Fayetteville
Will need one variance to construct a 23'X42' inground pool.

Documents:

[5507 Sandstone Way.pdf](#)

5. Other Business

6. 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



July 15, 2021 – 6:30PM

Zoning Board Meeting Instructions

The easiest way to participate in the meeting is to use the link provided below. The meeting will be conducted on the ZOOM platform as a webinar. Please make sure that when you complete your attendee registration you enter your full name.

Click on the link or Enter the meeting URL web address as listed below:

<https://us02web.zoom.us/j/86138407289?pwd=dUFwM2VBZGdqQWZPRXINyko0TFQxZz09>

Password to join when prompted:

Password: **881280**

Enter your email address and name and join the meeting.

Join by telephone by dialing the number below:

(929) 436-2866

When prompted to enter the Webinar ID, use the number below followed by #

Webinar ID: 861 3840 7289

Press # again to skip the personal id and enter the password below followed by #

Password: **881280**

If this is your first time joining a ZOOM meeting you may practice using ZOOM meeting platform at

<https://zoom.us/test>.

**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 Kelley
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

TOWN OF MANLIUS - ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 6-23-21

1. Property Address: 5507 Sandstone Way, Fayetteville, NY 13066

Property Tax Map # 089.-04-06.0

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

Construction of new residential pool 30'-5" from the property line which encroaches approximately ~~2' 6"~~ 9' 7" into the 40' rear yard setback.

2. Owner of Property: Chad and Catherine Bailey

Owner's Address: 5507 Sandstone Way, Fayetteville, NY 13066

Owner's E-Mail: cbailey2330@gmail.com

Owner's Phone #: 315-506-8267 Does Owners reside at property: Yes

Signature of Property Owner: 

3. Applicant / Representative / Attorney:

Name: Chad Bailey (owner) Company: _____

Address: 5507 Sandstone Way, Fayetteville, NY 13066

Phone: 315-506-8267 E-Mail: cbailey2330@gmail.com

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: _____

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: Chad and Catherine Bailey

Address of Proposed Work: 5507 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: 23' x 42' pool

Description of Project: ~~Project includes the installation of a 23' 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: CA Bailey Date: 6/3/21

CODE ENFORCEMENT USE ONLY

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

Received By: B Receipt No.: 9495 Fee: \$ 100 Date: 6-9-21

Check #: 4955 Cash: _____ Credit Card: _____

Tax Map # 0890-04-0600

Building Permit Number: _____

Approved: _____ Disapproved: X Date: 6-14-21

Remarks: Required 40'

needs 10.5 ft rear yard variance

See letter from

Signature of Code Enforcement Officer

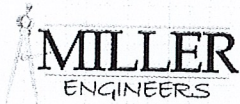
Miller Engineering

Beeman, Lisa

From: Doug Miller <dougmillar@millerengineers.com>
Sent: Monday, June 14, 2021 2:01 PM
To: Beeman, Lisa
Subject: 5507 Sandstone Way: Manlius NY

Miller Engineers has reviewed the Draft Site Plan for the Bailey Residence at 5507 Sandstone Way. The drawing is not signed or sealed by the design professional. Additionally the location of the pool shown on the drawing dated 6/9/21 does not meet requirements of the rear setback of 40 feet. The location of the pool requires a variance of ~~10.5~~ ^{9'7"} feet to meet Town regulations.

Douglas A Miller, P.E.



Douglas A Miller, P.E.
Miller Engineers
Seneca Turnpike; Suite B
Box 311
Manlius, NY 13104
315-558-8417

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 Chad & Catherine Bailey, being duly sworn, deposes and says that (s) he is:
(Notary)

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: 6/24/21, 2021

Chad Bailey
(Print Name of 1st Applicant)

[Signature]
(Signature of 1st Applicant)

(Entity Name)

By (Officer) _____ (Title)

5507 Sandstone Way
(Mailing Address of 1st Applicant)

Fayetteville NY 13066

315-506-8267
(Telephone Number)

Date: 6/24/, 2021

Catherine Bailey
(Print Name of 2nd Applicant)

[Signature]
(Signature of 2nd Applicant)

(Entity Name)

By (Officer) _____ (Title)

5507 Sandstone Way
(Mailing Address of 2nd Applicant)

Fayetteville NY 13066

315-243-5790
(Telephone Number)

ACKNOWLEDGEMENTS

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

On this 24th day of June in the year 20 21, before me, the undersigned, a notary public in and for said state, personally appeared Chad Bailey

, and Catherine Bailey 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.

[Signature]
Notary Public

SEAL

JOHN M. RICHOLS
Notary Public, State of New York
Qualified in Onondaga Co. No. 07905187705
Commission Expires on May 27, 2024

Bailey 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 around the perimeter of the property.

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

Yes.

Client:
Contact:
5507 SANDSTONE WAY
FAYETTEVILLE, NY 13066

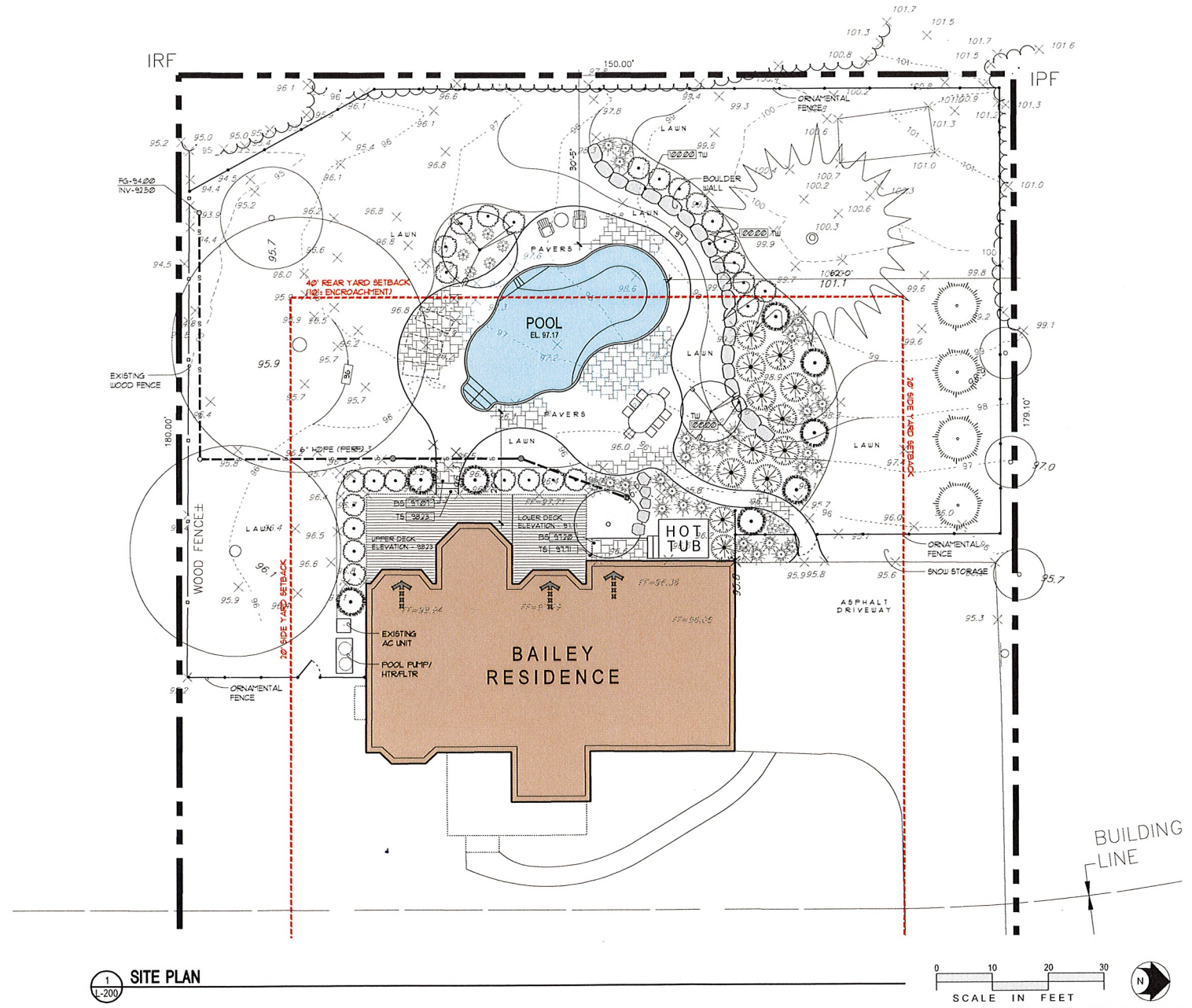
BAILEY RESIDENCE
5507 SANDSTONE WAY, FAYETTEVILLE NY

REVISIONS	
1. TOWN SUBMISSION	6-9-21

Drawn By: N.L.
Checked By: S.L.F.
KFA Proj. No.: 41048
Date: MAY 12, 2021
Scale: AS NOTED

Title:
DRAFT SITE PLAN

L-200



5507 Sandstone Way



03/30/2021