

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
July 15, 2021
6:30 PM**

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

Absent	Chairperson	Judy Salamone
	Member	Jim Campbell
	Member	K P Kelly
	Member	Clare Miller
	Secretary	Debi Witzel
Absent	Attorney	Jamie Sutphen

Attendees: Chad Bailey

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 Campbell, to approve the minutes of June 17, 2021 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Chad & Christine Bailey, 5507 Sandstone Way, Fayetteville NY (tax map #089.-04-06.0) requesting one area variance to construct a 23'X42' inground pool, with an existing rear yard setback of 30'5" they will need a variance of 9'7" to meet the required 40' rear yard setback.

Mr. Bailey stated that with the help of his architect they looked at multiple layouts for the pool. Mr. Bailey stated they did not want to remove any of the trees in the back and if they moved the pool forward it would be too close to the house. Mr. Bailey stated the pool would be 20 feet from the house and 15 feet to the deck. Mr. Bailey stated they hope to have the pool installed in September with the pavers being completed in the spring.

Member KP Kelly made a motion, seconded by Member Miller to open the public hearing at 6:41 PM and it was carried unanimously.

Member Campbell asked when the fence will be installed. Mr. Bailey stated he was told October by Syracuse Fence.

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

Board Questions

Member T. 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, the planned location makes the most 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 because there are other pools in the neighborhood.
- 3) Whether the requested Variance is substantial? The board answered no not for 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 as he wants to have a pool.

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 9.7' rear 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: NO

SEQRA Review

Member T. 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 Miller made a motion, seconded by Member Campbell, to grant Chad & Christine Bailey, 5507 Sandstone Way, Fayetteville NY a rear yard variance of 9' 7" to construct a 23' X 42' inground pool.

The Board voted as follows:

Member T. Kelly	Aye
Member Campbell	Aye

Member Miller	Aye
Member KP Kelly	Aye

The motion was carried.

Adjournment

With there being no other business, Member Campbell made a motion, seconded by Member KP Kelly, and carried unanimously, to end the meeting at 6:48 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals