

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
August 5, 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: Matthew Dailey

Virtual Attendees: John V Aka, Todd Stiles, Jen Nicolette.

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

Minutes

Member T. Kelly made a motion, seconded by Member Campbell, to approve the minutes of July 15, 2021 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Todd Stiles, 115 Davis St., E. Syracuse NY (tax map # 065.-05-22.0) requesting an area variance for the installation of a 12' X 16' inground pool. With an existing side yard setback of 7' they will need a variance of 8' to meet the required 15' side yard setback.

Chairperson Salamone gave a brief overview of the application for 115 Davis St., E. Syracuse NY.

Member KP Kelly made a motion, seconded by Member Miller to open the public hearing at 6:33 PM and it was carried unanimously.

Mr. Stiles stated he is requesting the variance for a shed as they need more storage space. Mr. Stiles stated he is placing the shed in the proposed location so it will not be near the leach field.

Member KP Kelly asked what the base of the shed will be composed of. Mr. Stiles stated it will be a rock base.

Member T. Kelly asked if the color of the shed will match the house. Mr. Stiles stated the color will match the house.

Member KP Kelly made a motion, seconded by Member T. Kelly to close the public hearing at 6:35 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.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no there are other sheds in 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 there is a drainage easement that will not be affected.
- 5) Whether the alleged difficulty was self-created? The board answered no.

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 8 feet of the side 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

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 T. Kelly made a motion, seconded by Member Campbell, to grant Todd Stiles, 115 Davis St., E. Syracuse a side yard variance of 8 feet to construct a 12' X 16' inground pool.

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.

Jennifer Nicolette, 5042 MacClenthen Rd., Manlius NY (tax map # 100.-01-04.8) requesting an area variance for the installation of a 20' X 40' inground pool. With an existing side yard setback of 20' they will need a variance of 20' to meet the required 40' rear yard setback.

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

Jen Nicolette and her husband stated the house is 550 feet off the road which makes the backyard narrow. It was also noted that the leach field is on the left and a garden and chicken coop are on the right therefore the best location for the pool is at the back of the house.

Member KP Kelly asked if the well and chicken coop are on the same side of the house? Mr. Nicolette answered yes. Member KP Kelly asked how far the pool will be from the house? John Aka contractor answered 10 feet off the house and 25 feet off the back property line. Member KP Kelly asked how deep the pool will be. Mr. Nicolette answered 4 ½ feet.

Member T. Kelly made a motion, seconded by Member Miller to close the public hearing at 6:45 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
- 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 property is covered with trees and hedge rows.
- 3) Whether the requested Variance is substantial? The board answered no, as it is a unique property.
- 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, they want a pool.

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 KP Kelly, to grant Jennifer Nicolette, 5042 MacClenthen Rd., Manlius NY an area variance of 20' in the side yard for the installation of a 20' X 40' inground pool.

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.

Matthew Dailey, 5132 Muirfield Dr., Fayetteville NY (tax map # 096.-10-02.0) requesting an area variance for in installation of a 10' X 14' Shed. With an existing rear yard setback of 21.6' they will need a variance of 18.4' to meet the required 40' rear yard setback. With an existing side yard setback of 9.2' they will need a variance of 10.8' to meet the required 20' side yard setback.

Member T. Kelly made a motion, seconded by Member Campbell to open the public hearing at 6:50 PM and it was carried unanimously.

Mr. Daily stated their family needs more storage space and would like to put a shed in the rear right corner of the yard. Mr. Daily stated that the septic and leach fields are on the left side of the yard off the side of the driveway.

Member T. Kelly asked if the shed color would match the house. Mr. Dailey answered yes.

Member KP Kelly asked what the shed would be placed on and what the floor will be made from and if the shed would have electricity. Mr. Dailey answered the shed will be placed on crushed stone with a wooded floor and no electricity.

Member KP Kelly made a motion, seconded by Member Campbell to close the public hearing at 6:53 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 of the septic system.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no other properties in the neighborhood have sheds.
- 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 the owner stated he will stay clear of the drainage easement.

5) Whether the alleged difficulty was self-created? The board answered yes.

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 Campbell, to grant Matthew Dailey, 5132 Muirfield Dr., Fayetteville NY two area variances a rear yard variance of 18.4' and a side yard variance of 10.8' for in installation of a 10' X 14' Shed.

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

Other Business

Member Miller asked if the board could approve anything being put in an easement. Member KP Kelly answered yes if the applicant knows they will be responsible to remove anything in the way if need be.

Adjournment

With there being no other business, Member T. Kelly made a motion, seconded by Member Campbell, and carried unanimously, to end the meeting at 6:58 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals