

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
November 18, 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	K P Kelly
Member	Clare Miller
Member	Tim Kelly
Secretary	Debi Witzel
Attorney	Joseph Frateschi

In Person Attendees: William Adams Sr.

Virtual Attendees: Jim Zullo, Bess Kirnie, Holly & Scott Schuss, Mike Krisak.

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 KP Kelly, to approve the minutes of August 5, 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.

Elizabeth Kirnie, 7235 Collamer Rd., E. Syracuse NY (tax map # 036.-02-02.0) requesting an area variance for the installation of a 10' X 15' Shed. With an existing side yard setback of 12' they will need a variance of 8' to meet the required 20' for a side yard setback.

Chairperson Salamone gave a brief overview of the application for 7235 Collamer Rd., E. Syracuse.

Ms. Kirnie stated the shed will be used for gardening tools. Ms. Kirnie stated they picked this location because it sits on higher ground out of the damp yard and it does not obstruct the view of the woodlands behind the house.

Member KP Kelly asked if the proposed location of the shed will allow access to the back yard. Ms. Kirnie answered yes and will also allow access to the garage and driveway.

Member T. Kelly asked if the shed would match the house in color. Ms. Kirnie stated the house is multi-colored brick and yes it will match with some of the color.

Member KP Kelly made a motion, seconded by Member T. Kelly to open the public hearing at 6:42 PM and it was carried unanimously.

Member KP Kelly made a motion, seconded by Member Miller to close the public hearing at 6:42 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
- 5) Whether the alleged difficulty was self-created? The board answered yes, as they wanted 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 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

Board Action

Member T. Kelly made a motion, seconded by Member KP Kelly, to grant an 8' side yard variance to Elizabeth & William Kirnie, 7235 Collamer Rd., E. Syracuse NY for the installation of a 10' X 15' Shed.

The Board voted as follows:

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

The motion was carried.

Laura & James Zullo, 8281 Kimball Rd., Manlius NY (tax map # 117.1-01-03.0) requesting a rear yard variance of 17' and a side yard variance of 4' for the installation of a 10' X 14' shed.

Mrs. Zullo stated they are getting the shed to house garden tools.

Member T. Kelly made a motion, seconded by Member KP Kelly to open the public hearing at 6:47 PM and it was carried unanimously.

Member KP Kelly asked if the shed would match the house. Mrs. Zullo answered yes it would.

Member T. Kelly asked why they are not putting the new shed where the old shed was. Mrs. Zullo stated the new location is easier to access.

Member KP Kelly made a motion, seconded by Member Miller to close the public hearing at 6:49 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 location is practical.
- 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 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.
- 5) Whether the alleged difficulty was self-created? The board answered yes, they want a shed.

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 Laura & James Zullo, 8281 Kimball Rd., Manlius NY a rear yard variance of 17' and a side yard variance of 4' for the installation of a 10' X 14' shed.

The Board voted as follows:

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

The motion was carried.

Scott & Holly Schuss, 5819 Durham Lane, E. Syracuse NY (tax map # 075.-06-09.0)
requesting an variance for the installation of a 14' X 26' in-ground pool. With an existing front yard setback of 16' they will need a variance of 14' to meet the required 30' front yard setback. With an existing side yard setback of 10' they will need a variance of 5' to meet the required 15' side yard setback.

Member KP Kelly made a motion, seconded by Member T. Kelly to open the public hearing at 6:53 PM and it was carried unanimously.

Mr. Schuss stated the house is set in an odd way at an angle on the lot.

Member KP Kelly asked if because of the location of the house if they checked for any utilities underground. Mr. Schuss stated yes, they called dig safe and they did not find anything. Member KP Kelly asked what kind of fence will put installed around the pool. Mr. Schuss stated it will be a 6' stockade fence. Member Kelly asked if the fence would block the sight line for cars. Mr. Schuss answered no it will not.

Member KP Kelly made a motion, seconded by Member T. Kelly to close the public hearing at 6:56 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 position of the house on the lot.
- 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 pools.
- 3) Whether the requested Variance is substantial? The board answered yes, but doable.
- 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 because they wanted a pool.

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 Scott & Holly Schuss, 5819 Durham Lane, E. Syracuse NY a front yard setback of 14' and a side yard setback of 5' for the installation of a 14' X 26' in-ground pool.

The Board voted as follows:

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

The motion was carried

William T. Adams Sr., 7063 Ferstler Rd., Kirkville (tax map # 042.-01-21.1) requesting three area variances for a 2 lot Subdivision. With existing road frontage of 100' they will need a variance of 100' to meet the required 200'. With an existing lot area of 1.99 acres, they will need a variance of .01 acre to meet the required 2 acres. With existing road frontage of 125' they will need a variance of 75' to meet the required 200'.

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

Mr. Adams stated he is requesting variances for a two-lot subdivision so his children can build house here. Mr. Adams described the modular home that is currently being place on the lot will look like.

Member T. Kelly made a motion, seconded by Member Miller to close the public hearing at 7:10 PM and it was carried unanimously.

SEQR

Member KP Kelly made a motion, seconded by Member T. Kelly to designate the Town of Manlius as lead agency for SEQR purposes.

Member KP Kelly made a motion, seconded by Member T. Kelly that this will not have any environment impact for SEQR purposes.

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.
- 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.

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 KP Kelly, to grant William Adams Sr. three area variances for a 2 lot Subdivision located at 7063 Ferstler Rd., Kirkville (tax map # 042.-01-21.1). With existing road frontage of 100' they will need a variance of 100' to meet the required 200' for lot one. With an existing lot area of 1.99 acres, they will need a variance of .01 acre to meet the required 2 acres for lot one. With existing road frontage of 125' they will need a variance of 75' to meet the required 200' for lot two.

The Board voted as follows:

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

The motion was carried

Other Business

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