

**Town of Manlius
Zoning Board of Appeals
August 15, 2024
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. Due to technical difficulties this meeting was not live streamed.

Acting Chairperson Tim Kelly presided, and the following Board members present:

Chairperson	Karrie Catalino (Absent)
Member	Clare Miller
Member	Warren Linhart
Member	Eric Christensen
Secretary	Carrie Grevelding
Attorney	Jamie Sutphen
Code Officer	Tom Poitras

In Person Attendees: Paul Madden, Fayetteville. Bill York, East Syracuse.

Virtual Attendees: Colleen Davis

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

Approval of Minutes – July 18, 2024

Member Miller made a motion, seconded by Member Linhart, to approve the minutes of July 18, 2024, as amended by Secretary Grevelding.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Naves: 0 All in Favor. Motion Carries

Acting Chairperson Kelly reviewed the application for 130 Dauenhauer St W., East Syracuse, NY.

Legal Notice

Member Christensen made a motion, seconded by Member Linhart, to waive the reading of the public notice and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Naves: 0 All in Favor. Motion Carries

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

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Naves: 0 All in Favor. Motion Carries.

Ty Zelinsky – 130 Dauenhauer St W, East Syracuse, NY (Tax Map #062.-01-18.0)

Bill York was present for the applicant. Mr. York advised that the shed would be used to store snow blower, lawn mower, and other miscellaneous items from the garage so the vehicle can be parked in the garage. The shed will match the residence and there will be no power ran to the storage area.

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

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Board Questions

Acting Chairperson 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. It is being placed in the best spot behind the garage.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no. It will be in the back and allow for vehicle to park in garage,
- 3) Whether the requested Variance is substantial? The board answered no. It will be in line with the residence.
- 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 of **7 feet 5 inches off 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

Acting Chairperson 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

Member Linhart a motion seconded by Member Christensen that the Zoning Board of Appeals to grant a side yard setback variance of 7 feet 5 inches to Ty Zelinsky for the property at 130 W Dauenhauer St, East Syracuse, NY (Tax Map #062.-01-18.0). This variance is being granted for the construction of an 8-foot by 14-foot 8 inch attached open storage shed.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nayes: 0 Motion Carries.

Acting Chairperson Kelly reviewed the application for 5269 Hoag Ln, Fayetteville, NY.

Legal Notice

Member Christensen made a motion, seconded by Member Linhart, to waive the reading of the public notice and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Naves: 0 All in Favor. Motion Carries.

Member Linhart made a motion, seconded by Member Miller, to open the public hearing at 6:48 PM and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nayes: 0 All in Favor. Motion Carries.

Paul Madden – 5269 Hoag Ln, Fayetteville, NY (Tax Map # 096.-08-03.0)

Mr. Madden gave the members an updated plan for the structure and explained as to why the structure needed to be placed there. Mr. Madden advised that he is opposed to taking any trees down. There was a lengthy discussion on moving the structure back towards the garden. Mr. Madden shared an email thread from 2021 that included his designer and Planning Board Secretary Lisa Beeman.

Member Linhart made a motion, seconded by Member Christensen, to close the public hearing at 7:05 PM and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Naves: 0 All in Favor. Motion Carries.

Board Questions

Chairperson Catalino 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 yes. Could move it back towards the garden.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered Yes. Unless it was moved back 10 feet towards the garden.

- 3) Whether the requested Variance is substantial? The board answered yes.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered yes. Unless it was moved back 10 feet towards the garden.
- 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 of **17 feet of the rear yard is** the minimum variances that should be granted 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:

- The structure be built 10 feet further back from Dawley Rd towards the garden.
- The hedgerow is maintained.
- Nothing is built between the setback line and shed.
- Matches the house's colors.

SEQRA Review

Acting Chairperson 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

Member Christensen a motion seconded by Member Miller that the Zoning Board of Appeals to grant a rear yard setback variance of 17 feet to Paul Madden for the property at 5269 Hoag Ln, Fayetteville, NY (Tax Map# 096.-08-03.0). This variance is being granted for the construction of a 20- foot by 24-foot shed. With the following conditions:

- The structure be built 10 feet further back from Dawley Rd towards the garden.
- The hedgerow is maintained.
- Nothing is built between the setback line and shed.
- Matches the house's colors.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nays: 0

All in Favor.

Motion Carries.

Acting Chairperson Kelly reviewed the application for 7256 Roumare Rd, East Syracuse, NY.

Legal Notice

Member Christensen made a motion, seconded by Member Linhart, to waive the reading of the public notice and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nays: 0 All in Favor. Motion Carries.

Member Linhart made a motion, seconded by Member Christensen, to open the public hearing at 7:31 PM and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nays: 0 All in Favor. Motion Carries.

Colleen Davis – 7256 Roumare Rd, East Syracuse, NY (Tax Map # 076.-03-15.0)

Ms. Davis explained that the reason they wanted to place the pool where they were proposing was due to the location of a pre-existing patio. Ms. Davis advised that they had already installed a fence around the property with only one gate for entry. She also advised that Liverpool Pool and Spa would be installing the pool and alarms that are required.

Member Linhart made a motion, seconded by Member Christensen, to close the public hearing at 7:38 PM and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nays: 0 All in Favor. Motion Carries.

Board Questions

Acting Chairperson 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 yes. Could be put on other side of the residence.
- 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 of **15 feet off the front yard and 5 feet off the side yard,** are the minimum variances that should be granted 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:

- Fence remains up as constructed.

SEQRA Review

Acting Chairperson 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

Member Linhart a motion seconded by Member Miller that the Zoning Board of Appeals to grant a front yard setback variance of 15 feet and a side yard setback variance of 5 feet to Colleen Davis for the property at 7256 Roumare Rd, East Syracuse, NY (Tax Map #076.03-15.0). This variance is being granted for the construction of a 24-foot-wide above ground pool. With the following condition.

- Fence remains up as constructed.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nays: 0

All in Favor.

Motion Carries.

Other Business - None

Adjournment

With there being no other business, Member Christensen made a motion, seconded by Member Linhart, and carried unanimously, to end the meeting at 7:43 PM.

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals