

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
October 17, 2019
6:30 PM**

The Town of Manlius, Zoning Board of Appeals assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Chairman K.P. Kelly presiding and the following Board members present:

Absent	Member	Jim Campbell
	Member	Al Ruthig
	Member	Clare Miller
	Member	Judy Salamone
	Secretary	Debi Witzel
	Attorney	Jamie Sutphen
	Codes Director	Randy Capriotti

Also, Present: Brian Lutz, James Doolittle

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

Minutes

Member Ruthig made a motion, seconded by Member Miller, to approve the minutes of September 19, 2019 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Member Miller made a motion, seconded by Member Ruthig to open the public hearing at 6:37PM.

Brian Lutz, 5862 Strawmount Trail, Chittenango (tax map # 082.2-03-04) The applicant is requesting an area variance to construct a 12' X 14' Shed. With an existing rear yard setback of 10' applicant is requesting 30' to meet the required 40'. Applicant has an existing side yard setback of 10' is requesting 10' to meet the required 20'.

Chairman Kelly proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? No
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? No
- 3) Whether the requested Variance is substantial? No
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? No
- 5) Whether the alleged difficulty was self-created? Yes, would like a shed.

Board Questions

Member Ruthig clarified that the setbacks are 10' side yard and 10' rear yard.

Chairman Kelly asked what the shed will look like. Mr. Lutz answered the shed will have vinyl siding with shutters and the color that will match the house. The shed will be set on a bed of gravel.

Member Ruthig made a motion, seconded by Member Miller to close the public hearing at 6:40PM.

Board Discussion

The board unanimously agreed they have no problem with the request.

SEQRA Review

Chairman 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 Questions

Chairman 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, because of the location of the drainage easement.
- 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, because he wants 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 application **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 30' rear and 10' side 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

Chairman 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 Ruthig made a motion, seconded by Member Miller, to grant a 30' rear yard variance and a 10' side yard variance.

The Board voted as follows:

Chairman Kelly	Aye
Member Ruthig	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

James Doolittle, 7108 Kirkville Rd., E. Syracuse NY 13057 is requesting to construct a new house of 1,130 Sq. Ft. without the garage. Applicant will need 3 variances 1st variance request the applicant has 15, 300 Sq. Ft., is requesting 84,700 Sq. St. to meet the required code of 100,000 Sq. Ft. 2nd variance applicant has an existing front yard of 30' is requesting 10' to meet the required 40'. 3rd variance applicant has existing road frontage of 120' is requesting 80' to meet the required 200'.

Member Salamone made a motion, seconded by Member Ruthig to open the public hearing at 6:48PM.

Mr. Doolittle stated he is requesting to build a three bedroom raised ranch.

Chairman Kelly proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Doolittle answered no, not with the zoning the way it is now.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Doolittle answered No
- 3) Whether the requested Variance is substantial? No
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? No
- 5) Whether the alleged difficulty was self-created? Yes, he would like to build the house.

Board Questions

Attorney Sutphen 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, a house can't be built on this size lot at all per code as it sits – so a variance is necessary.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No, must maintain footprint of prior house; all other lots along strip are consistent with this; new structure is an improvement.
- 3) Whether the requested Variance is substantial? The board answered Yes, it is in substantial non-conformity with town's code that was revised after this.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered No Same footprint – provided septic system is approved by the county.
- 5) Whether the alleged difficulty was self-created? The board answered Yes He bought the lot knowing it was non-conforming.

Member Salamone clarified that because a year has passed since the prior house burned down that he is now required to build according to the current zoning standards.

Member Ruthig asked if the location of the new house would be about the same as the prior house. Mr. Doolittle answered yes it will be.

Member Ruthig asked if the house would be using a septic system for the sewer. Mr. Doolittle answered yes it would be septic.

Attorney Sutphen asked if Mr. Doolittle if he had joined 2 parcels together to make the current parcel. Mr. Doolittle answered he did not.

Chairman Kelly stated he has a couple of concerns regarding the variances' requested.

- 1) Asking for an area variance of 84,700 sq. ft, when the code requires 100,000 sq. ft is a large amount to request.
- 2) The frontage request of 80' instead of the required 200' is a substantial request.

Member Ruthig asked if there will be enough space for a septic system. Mr. Doolittle answered that he has already contacted Onondaga County Health Department and that issued a letter stating that they are okay with the lot size.

Code Director Capriotti stated the applicant will have to make sure the current septic system is in good shape and the county and his plumber will advise the town about any updates that may be needed.

Member Ruthig stated the lot size in keeping with the other existing properties along the street.

Member Salamone made a motion seconded by Member Ruthig to close the public hearing at 7:00PM.

Board Discussion

Member Ruthig stated that other than the septic system he has no issues with the plans for the house. The house will be consistent with the neighborhood.

Member Miller asked if there would be a situation where the County would not allow the septic. Code Director Capriotti stated that would be up to the County to decide.

Member Miller and Member Salamone both stated they have no problem with the plan as submitted.

Code Director Capriotti recommended that Mr. Doolittle get approval of septic from the County before building to understand any additional cost that might be associated with the septic system.

Chairman Kelly suggested that the board put a condition on the variance that the provided footprint of plans provided to this Board be used.

SEQRA Review

Chairman 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.

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 application **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 84,700 Sq. Ft on size of lot, 10' on front yard setback, 80' on frontage. 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: Provided footprint of plans provided to this Board be the ones used.

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 Ruthig made a motion, seconded by Member Miller, to grant to James Doolittle a variance for the purpose of constructing a house to be located at 7108 Kirkville Rd., East Syracuse.

1. A variance of 84,700 square feet to allow Mr. Doolittle to utilize the 15,000 square feet lot in lieu of the required 100,00 square foot.
2. Front yard setback of 30 feet against a 40-foot requirement for a variance of 10 feet.
3. Frontage variance of 120 feet verses the 200 foot that is required by code granting an 84-foot variance.

The approval of this variance is contingent upon utilizing a footprint that is the same as that which was provided in the plans presented to this board.

The Board voted as follows:

Chairman Kelly	Aye
Member Ruthig	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

Adjournment

With there being no other business, Member Salamone made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:24PM.

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals