

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
April 15, 2021
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:

Member	Jim Campbell
Member	Judy Salamone
Member	Timothy Kelly
Member	Clare Miller
Secretary	Debi Witzel
Attorney	Jamie Sutphen
Codes Director	Randy Capriotti

Attendees: Peter Schaffer and Colleen DeGouff

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 March 18, 2021 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Member Miller made a motion, seconded by Member Campbell to open the public hearing at 6:35 PM and it was carried unanimously.

Joshua & Stephanie Eastman, 8804 Quarter Horse Run, Chittenango (tax map 082.2-04-19.0) Public Hearing for a 10' X 14' Shed, with an existing side yard setback of 1.5' they will need a variance of 18.5' to meet the required 20'.

Joshua Eastman stated they want to put a 10' X 14' shed on the side property line next to the garage. Mr. Eastman stated the shed will be part of a plan to include a pool and fence. Mr. Eastman would like to put the shed 1.5' from the property line with the fence going behind it.

Chairman Kelly asked Mr. Eastman if he would be willing to move the shed to 5' off the property line so the property behind the shed can be mowed and maintained. Mr. Eastman stated the fence will be about 2" off the property line and he planned to put the shed against the fence.

It was agreed that the shed would be 3' off the property line providing a 17' variance.

Member Salamone made a motion, seconded by Member T. Kelly to close the public hearing at 6:48 PM and it was carried unanimously.

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.
- 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 because they want 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 17 foot 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 T. Kelly made a motion, seconded by Member Salamone, to grant Joshua Eastman, 8804 Quarter Horse Run, Chittenango, NY a side yard variance of 17 feet to install a 10' X 14' shed

The Board voted as follows:

Chairman KP Kelly	Aye
Member T. Kelly	Aye
Member Campbell	Aye

Member Miller Aye
 Member Salamone Aye

The motion was carried.

Ashleigh Wilson, 1103 Cornflower Way N, E. Syracuse NY for a 16' X 36' inground pool, with an existing side yard setback of 8' applicant is requesting 12' to meet the required 20' set back. With an existing rear yard setback of 8' applicant is requesting 32' to meet the required 40' set back.

Member T. Kelly made a motion, seconded by Member Campbell to open the public hearing at 6:55 PM and it was carried unanimously.

Ashleigh Wilson stated if she were to stay inside the required setbacks the pool would go where the deck is off the house. Ms. Wilson explained that her lot is an odd shape and higher on one side. Ms. Wilson decided to do as some of her neighbors have done and line the pool up on the left side of her yard next to the fence.

Chairman Kelly asked where the pool equipment would be located. Ms. Wilson stated the equipment would be concealed against the house and will be hidden behind scrubs.

Peter Schaffer & Colleen DeGouff, 1105 Cornflower Way, E. Syracuse NY neighbors to Ms. Wilson had received a notification letter from the town about the construction of the pool and wanted to understand the process the town follows for permits.

Attorney Sutphen explained the steps involved in the permit process. Codes Director Randy Capriotti stated that Ms. Wilson has followed every step and provided all required documentation for the permit process.

Member Miller made a motion, seconded by Member T. Kelly to close the public hearing at 7:15 PM and it was carried unanimously.

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 unlevel land and smaller lot size.
- 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 the pool size is within reason considering the size of the lot.
- 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 want 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 variances for a side yard of 12 feet and rear yard of 32' 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 Miller made a motion, seconded by Member Campbell, to grant Ashleigh Wilson a side yard variance of 12 feet and a rear yard variance of 32 feet to install a 16' X 36' ingorund pool. The Board voted as follows:

Chairman KP Kelly	Aye
Member T. Kelly	Aye
Member Campbell	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

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 7:25 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals