

**TOWN OF MANLIUS  
ZONING BOARD OF APPEALS  
May 19, 2022  
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. The meeting was live streamed on the Town Facebook page and the Town YouTube Channel. The recording of the meeting can be viewed here: <https://youtu.be/Ih9BYpklLFE>

Chairman Timothy Kelly presided, and the following Board members present:

Member	K P Kelly
Member	Clare Miller
Member	Karrie Catalino
Member	Warren Linhart
Secretary	Debi Witzel
Attorney	Jamie Sutphen

In Person Attendees: Dale & Noreen Longden, Kirkville. Andrew Schwanke, Chittenango.

Virtual Attendees: none

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

**Minutes**

Member KP Kelly made a motion, seconded by Member Linhart, to approve the minutes of April 21, 2022, as amended and submitted by Secretary Witzel.

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Member Warren Linhart

Abstain: Member Catalino

Motion Carries.

**Legal Notices**

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

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

**Dale Longden, 226 Schepps Lane, Kirkville NY (tax map # 051.-06-17.0) requesting two variances to install a 12' X 40' shed. With an existing front yard setback of 24' they will need a variance of 16' to meet the required 40' setback on Gurtha Rd. side. With an existing front yard setback 27' they will need a variance of 13' to meet the required 40' setback.**

Mr. Longden stated he needs the shed for more storage space. Mr. Longden stated the back portion of the yard is very wet and the septic is in the center of the yard which is why he choose

the location to the side. Mr. Longden stated the sheds peek will be 10' 10" and there will be a 6' stockade fence to block the shed from the road.

Member Linhart made a motion, seconded by Member Catalino to close the public hearing at 6:47 PM and it was carried unanimously.

### **Board Questions**

Chairperson T. 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 wet backyard and 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 because it will be blocked by a fence.
- 3) Whether the requested Variance is substantial? The Board answered no, because of the wetness in the yard.
- 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 wanted the shed.

### **SEQRA Review**

Member Miller made a motion, seconded by Member Linhart 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 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 **16 feet on the Gurtha Rd. side and 13 feet at the hammerhead.** 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 Miller made a motion, seconded by Member KP Kelly to grant two area variances to Dale Longden, for the real property located at 226 Schepps Lane, Kirkville NY. These variances are being granted for the sole purpose of permitting the construction of a 12' X 40' shed. There by modifying the 40' front yard setback on Gurtha Rd. to that of 24' leaving a variance of 16'. There by modifying the 40' front yard setback at the hammerhead to that of 27' leaving a variance of 13'.

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Member Warren Linhart, Member Catalino

Nays: 0

All in Favor:

Motion Carries.

**Andrew & Angela Schwanke, 5726 Harness Hook Lane, Chittenango (tax map # 082.2-01-42.0) Public Hearing for one variance to install a 12'X24' pool house/shed. With an existing side yard setback of 10' 11" they will need of variance of 9' 1" to meet the required 20' setback.**

Mr. Schwanke stated he had made a change to the location of the pool house/shed and will only need a variance of 4' 8". Mr. Schwanke stated this change will move the pool house/shed closer to the pool and he provided a new drawing. Mr. Schwanke stated the side of the shed that will face the road will have two windows with flower boxes and the shed will match the house.

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

Member KP Kelly made a motion, seconded by Member Catalino to close the public hearing at 7:12 PM and it was carried unanimously.

## **Board Questions**

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered no, not without filling in the wet areas of the yard.
- 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? No
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? No because he moved the shed closer to the pool.
- 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 for **4 feet 8 inches on 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**

Member KP Kelly made a motion, seconded by Member Miller 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 an area variance to Marcus Morreale for the real property located at 4760 Thatchwood Dr., Manlius NY 13104. This variance is being granted for the specific purpose of permitting the new construction of an 18X24 wood beam carport. There by modifying the 40' yard front yard set back on Thatchwood Dr. to that of 4' feet leaving a variance of 30' and modifying the Highbridge St. 40' front yard set back to that of 17' leaving a variance of 23'. With the condition of the variance is that the carport not be closed in at anytime in the future without appearing before the Zoning Board to obtain an additional variance.

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Member Linhart

Nays: 0

All in Favor.

Motion Carries.

### **Adjournment**

With there being no other business, Member Linhart made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:17 PM

Respectfully submitted,  
Debi Witzel, Secretary  
Zoning Board of Appeals