

**Town of Manlius
Zoning Board of Appeals
September 21, 2023
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
Code Officer	Tom Poitras

In Person Attendees that signed in: Cassi Crossman

Virtual Attendees: None

The Pledge of Allegiance was recited. The meeting was called to order at 6:38 PM due to technical difficulties.

Legal Notices

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

Approval of Minutes – August 17, 2023

Member Linhart made a motion, seconded by Member KP Kelly to approve the minutes of August 17, 2023, as submitted by Secretary Witzel as corrected.

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

Nayes: 0

All in Favor.

Motion Carries.

Cassi Crossman, 7636 Sturbridge Dr., Manlius NY (tax map # 110.-06-08.0). Requesting a 5-foot side yard (east side) variance to construct a 10' X 19' pool deck.

Ms. Crossman stated they put the pool up in May 2023 and have since decided they want a deck on the pool. Ms. Crossman asked to put the deck at an angle to allow for a wider view of the yard from the house. Ms. Crossman stated she sees this as a safety issue being able to see her children when they are in the yard.

Member KP Kelly asked if the underneath of the deck will be enclosed. Ms. Crossman answered yes, and there will be a door for access to store items under the deck.

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 Yes, the deck could have been straight out from the pool, but it would have blocked the view to the yard.
- 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? 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 wanted the deck at an angle.

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 **6 feet 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

Chairperson T. 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 Catalino made a motion, seconded by Member Linhart to grant an area variance to Cassi Crossman, 7636 Sturbridge Dr., Manlius NY (tax map # 110.-06-08.0). This variance is being granted for the purpose of a 18' X 18' Pool deck. With an existing 4-foot side yard setback they will need a 6-foot side yard variance to meet the required 20 feet.

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

Nays: 0

All in Favor.

Motion Carries.

Other Business

None

Adjournment

With there being no other business, Member Miller made a motion, seconded by Member Catalino, and carried unanimously, to end the meeting at 8:15 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals