

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
August 15, 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	Joseph Frateschi
	Codes Director	Randy Capriotti

Also, Present: Carolyn & Edward Greene, Fritz & Aimee Blok, Kyle & Samantha Haun, Tom Oot.

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

Minutes

Member Miller made a motion, seconded by Member Ruthig, to approve the minutes of July 18, 2019 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Member Miller made a motion seconded by Member Salamone, made a motion to open the public hearing at 6:32 PM.

Aimee & Fritz Blok, 7116 N. Manlius Rd., Kirkville NY (tax map # 040.-01-20.0) for a variance of 100-foot frontage instead of the required 200-foot, for a new build home

Tom Oot builder for Aimee & Fritz Blok stated there is 5.26 acres of land to the lot with public water, septic and electric. The trailer that was located on the land has now been removed. Mr. Oot stated the new home will be built 270' back from the road. Mr. Oot stated that without the variance the lot will not be a buildable lot.

Chairman Kelly proceeded with Mr. Oot through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? No, without a variance the land is not useable.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? No, the house will fit with the look of the neighborhood.

- 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, none.
- 5) Whether the alleged difficulty was self-created? No

Board Discussion

Chairman Kelly asked how far beyond the neighbor rear line will the house be built? Mr. Oot answered about 100' back from the neighbor property line which will make it about 280' to 300' back from the road. Mr. Oot stated this land is not in a flood zone or wetlands, it is clear.

Mr. Green a neighbor had a question about how the existing survey was done. After a discussion with Mr. Oot, Mr. Greene stated if the house will be 280' to 300' from the road then he is okay with the project.

Member Ruthig made a motion seconded by Member Miller, made a motion to close the public hearing at 6:43 PM.

Member Ruthig stated the new house will be an improvement from what was there and it will be back from the road.

Board Questions

Chairman Kelly preceded with the Board Members the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? No, given acreage of lot.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? No, will be an improvement over existing trailer.
- 3) Whether the requested Variance is substantial? No, given the circumstances/buffering – none.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? No, none detected.
- 5) Whether the alleged difficulty was self-created? Yes, but not determinative.

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 100-foot 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: None

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 Amiee & Fritz Blok, 7116 N. Manlius Rd., Kirkville NY for a variance of 100' frontage instead of the required 200' for the purpose of building a new home on the 5 acre lot.

The Board voted as follows:

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

The motion was carried

Samantha & Kyle Haun, 5833 Butterfly Circle, E. Syracuse (tax map # 077.-06-09.0) requesting 2 variances to install a 13' X 26' inground pool. First, one they are requesting a 10' rear yard variance to meet the required 25'. Second, they are requesting a 5' front yard setback to meet the required 30'.

Member Salamone made a motion seconded by Member Miller, made a motion to open the public hearing at 6:44 PM.

Samantha Haun stated she would like to install an in-ground pool in her front yard. Because of the way the house was built there is not much of a back yard, so they are requesting the pool be placed in their side yard (which is by code is concerned a front yard because they are on a corner lot.)

Chairman Kelly preceded with Mr. & Mrs. Haun through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? No, because they is no room in the back yard.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? No, they will be adding a nice privacy fence.

Neighbor (Chuck LaDue) on Snowball Run is okay with the fence as long as it does not block his view when pulling out of his driveway. Owners stated that they will be keeping the fence tight to the pool.

- 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, Pool Company will grade soil away from pool on Snowball Run side.
- 5) Whether the alleged difficulty was self-created? Yes

Member Ruthig asked if the fence will be tight to the pool. Mrs. Haun stated the fence will be solid white PVC and kept close to the pool.

Member Miller asked if the pool would be oval or kidney shaped. Mrs. Haun answered it will be oval to fit the space best. If the pool were pushed forward on the property it would hit a sewer pipe.

Chairman Kelly asked if they could move the pool closer to the house. Mr. Haun answered no because it may cause foundation issues.

Member Ruthig made a motion seconded by Member Salamone, made a motion to close the public hearing at 6:59 PM.

Board Discussion

Member Miller stated she would be surprised to see a pool in this location so close to the road and she feels it would change the character of the neighborhood.

Code Officer Capriotti stated that if you are looking at the front of the house the location of the pool would look okay on the side of the house.

Member Miller stated when she went to LaDue's house no one was there and they did not sign the neighbor notification sheet. Chairman Kelly stated the applicant did relay the LaDue's comments and they were notified as all the neighbors were.

Member Ruthig stated that Snowball Run is the main drive through in the neighborhood and pool will be on that road.

Board Questions

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

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? No, corner lot/unique layout of land requires pool to be built in this spot.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? No, pool will be shielded by a fence.
- 3) Whether the requested Variance is substantial? No, not substantial

- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? No, none detected.
- 5) Whether the alleged difficulty was self-created? Yes, but not determinative.

Mrs. Haun stated the neighbor across the street on Snowball Run told her she is in favor of the pool and fence because that would mean the tree would come down and improve her view to the bus.

Determination of ZBA Based on the Above Factors:

The ZBA, after taking into consideration the above five factors, finds that:

Member Ruthig stated he believes the board needs to rely on the people in the neighborhood and if the neighbors are okay with the location of the pool then the board should consider that point of view. Member Ruthig stated the work needs to be done tastefully because of the location of the yard.

Member asked about the neighbors on Snowball that is directly across the street from where the fence will be placed.

Mrs. Haun stated the neighbor across the street on Snowball Run told her she is in favor of the pool and fence because that would mean the tree would come down and improve her view to the bus.

 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 to install a 13' X 26' pool 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:

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 Salamone, to granted to Samantha & Kyle Haun, 5833 Butterfly Circle, E. Syracuse for the purpose of installing a 13' X 26' in ground pool the first being a rear yard variance of 10' to meet the required 25' and the second is for a 5' front yard variance to meet the required 30'.

The Board voted as follows:

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

The motion was carried.

Member Ruthig made a motion seconded by Member Salamone, made a motion to close the public hearing at 6:59 PM.

Member Ruthig made a motion seconded by Member Salamone, to correct the original motion which should be the pool size of 16' X 32' not 13' X 26''.

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 Ruthig made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:15 PM.

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals