

**Town of Manlius
Zoning Board of Appeals
June 1, 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/Ih9BYpklFE>

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: Andy Cummings, Fayetteville. Bruce & Nina Ruppert, Manlius, John Perry, E. Syracuse.

Virtual Attendees: None

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

Legal Notices

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

Andrew Cummings, 7 Edgewood Parkway, Fayetteville NY (tax map # 096.-03-18.0) A Public Hearing requesting two variances to construct a 16' X 16' shed on the back (northwest corner) of the yard. With an existing side yard setback of 1 foot, they will need a variance of 19-feet to meet the required 20-foot side yard setback. With an existing rear yard setback of 15-feet they will need a variance of 25-feet to meet the required 40-foot rear yard setback.

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

Mr. Cummings stated he would like to build a 16 X 16 shed in the back left corner of his property as this is the most conducive space given the topography. Mr. Cummings stated the shed will be set on crushed stone and that the old shed will be removed after the new shed is built.

Chairman T. Kelly asked if he is still planning to build the garage, that they received a side yard variance for on May 20, 2021. Mr. Cummings answered he is no longer planning to build the garage.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 6:44 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 yes, they could put the shed in a different location.
- 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 yes if the prior variance is not rescinded.
- 5) Whether the alleged difficulty was self-created? The board answered yes, they would like 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 **19-foot side yard variance and a 25-foot rear yard variance** are the minimum variances 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: **The prior variance approved on May 20, 2021, for the construction of a garage must be rescinded. The old shed must be removed within one year of the new shed being constructed.**

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 KP Kelly to grant an area variance to Andrew & Gloria Cummings, 7 Edgewood Parkway, Fayetteville NY (tax map # 096.-03-18.0). for the purpose of a new construction of a 16X16 shed. With an existing side yard setback of 1 foot, they will need a variance of 19 feet to meet the required 20-foot side yard setback. With an existing rear yard setback of 15-feet they will need a variance of 25 feet to meet the required 40-foot rear yard setback. The board set two conditions 1. The prior variance approved on May 20, 2021, for the construction of a garage must be rescinded. 2. The old shed must be removed within one year of the new shed being constructed.

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

Nays: 0

All in Favor.

Motion Carries.

Bruce & Antonina Ruppert, 8218 Verbeck Dr., Manlius NY (tax map # 114.- 04-09.0) a Public Hearing requesting one variance to construct a 16' X 14' three season room addition. With an existing side yard setback of 16' they will need a variance of 14' to meet the required 30' side yard setback.

Member Linhart made a motion, seconded by Member KP Kelly to open the public hearing at 6:50 PM and it was carried unanimously.

Mr. Ruppert stated their forty-year-old deck was taken down and they would like to replace it with a three-season room. The three-season room will be 12X17, a bit smaller than the deck was and will match the house and have a gabled roof. Mr. Cummings stated that neighbors on either side of them have submitted letters of support.

Member KP Kelly asked if they would have air conditioning and heat in the room. Mr. Cummings stated they will not, but they will have electricity for lights and a fan.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 6:56 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.
- 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 because the deck was there before.
- 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, they would like an addition on the house.

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 **fourteen-foot side yard variance** 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 Linhart made a motion, seconded by Member Catalino to grant an area variance to Bruce & Antonina Ruppert, 8218 Verbeck Dr., Manlius NY (tax map # 114.- 04-09.0) to construct a 16' X 14' three season room addition. Grant a variance of 14-feet to meet the required 30-foot side yard setback.

Member Miller made a motion, seconded by Member Linhart, to amend the original motion to remove the words "three season room" and change it to "addition."

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

Nayes: 0

All in Favor.

Motion Carries.

John Perry, 7286 West Meyers Rd., E Syracuse NY (tax map # 046.-02-02.0) a Public Hearing requesting two variances to bring two buildings into compliance. With an existing rear yard setback of 16 feet 2 inches, they will need a variance of 23 feet 10 inches to meet the required 40-foot rear yard setback. With an existing side yard setback of 22 feet 7 inches, they will need a variance of 17 feet 5 inches to meet the required 40-foot rear yard setback.

Member Catalino made a motion, seconded by Member Miller, to open the public hearing at 7:02 PM and it was carried unanimously.

Mr. Perry stated that he has a two-car garage with an office at the end and would like to add an addition for an 8X16 aqua therapy pool for himself and his wife for health reasons. Mr. Perry stated his neighbors have no problem with the addition as many of them have outbuildings also. Mr. Cummings stated the addition will match the existing building that is there.

Member Linhart made a motion, seconded by Member Miller, to close the public hearing at 7:07 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 if he is going to build it off the existing garage.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no neighbors have out buildings.
- 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 as they would like the addition to house a therapy pool.

