

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
March 17, 2016**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on September 17, 2016 in the Town Hall, 301 Brooklea Drive, Fayetteville, New York. Those present were:

	Chairman	Henry McIntosh
	Member	KP Kelly
	Member	T.R. Schepp
Absent	Member	Al Ruthig
Absent	Member	Jim Campbell
	Secretary	Deborah Witzel
Absent	Code Enforcement Officer	Michael Jones

Also Present: Jim Managano, Brittany Maloff, Saladin Hadid, Ray Scruton, Ryan Issakainen

The Pledge of Allegiance was recited.

Approval of Minutes February 25, 2016

Member Schepp made a motion, seconded by Member Kelly to approve the minutes of February 25 2016, and it was carried unanimously

Chairman McIntosh stated that he has confirmed that the legal notice's had been published for the application on the agenda. Member Kelly made a motion, seconded by Member Schepp to waive the reading of the publications and it was carried unanimously

Saladin Hadid/Somerset Technologies, 5188 Hoag Lane, Fayetteville NY Tax Map # 104.-09-14.0 – Area Variance for a garage bump out requesting a side yard setback of 12' instead of the required 15' per chapter 155-9-B

Chairman McIntosh opened the public hearing for 5188 Hoag Lane, Fayetteville NY

Mr. Hadid stated that the entrance to the garage is currently on the side of the house and it is not practical and is close to the neighbor's yard.

Chairman McIntosh proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Hadid stated - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Hadid stated - no
- 3) Whether the requested Variance is substantial? Mr. Hadid stated - no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Hadid stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Hadid stated - no

Member Schepp asked if the side wall would move any closer to the side yard or would it be an extension of what is already there. Mr. Hadid answered no it would be an extension of what is there.

Member Kelly is the drawing we have a true representation of what is being done. Mr. Hadid answered yes

Member Schepp asked if Mr. Hadid had notified his neighbor's. Mr. Hadid answered yes

Board Discussion

Member Schepp stated this project is warranted for the area and the neighbors have wanted to see this property redeveloped. The changes will blend into the community and is in favor of the project.

Chairman McIntosh stated that he agrees with Member Schepp.

Member Kelly stated the changes will blend with the neighborhood and asked when the whole project will be completed. Mr. Hadid answered by the end of summer and will be a home for his family.

Chairman McIntosh determined the proposed project and action contemplated comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Member Kelly made motion to grant an area variance to bump out the garage towards the street 2 feet approving the requested 12' side yard setback seconded by Member Schepp.

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye
Member Schepp	aye

The motion was carried.

Ryan & Lauren Issakainen, 4603 Widgeon Path, Manlius NY Tax Map # 117.-22-01.0 – Area Variance for an addition to residence requesting a front yard setback of 32' instead of the required 40' per chapter 155-7-B

Mr. Issakainen stated his house is on the corner and is turned diagonally and he is building an addition for his parents. In order to build on the corner they have to turn the addition a bit which is why he needs the side yard setback so the addition will tie in with the roof line.

Chairman McIntosh opened the public hearing.

Chairman McIntosh asked if Mr. Issakainen had notified his neighbor's. Mr. Issakainen answered yes

Chairman McIntosh proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method?
Mr. Issakainen answered - no
- 1) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Issakainen answered - no
- 2) Whether the requested Variance is substantial? Mr. Issakainen answered - no

- 3) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Issakainen answered - no
- 4) Whether the alleged difficulty was self-created? Mr. Issakainen answered - no

Chairman McIntosh asked if the trees were going to stay. Mr. Issakainen plans on keeping as many as he can at this time three trees are marked to come down.

Member Kelly asked if the addition would be a one story or two story. Mr. Issakainen stated in the front it will appear to be a one story in the back there will be a walk out basement.

Member Kelly asked if the addition will match the existing house. Mr. Issakainen answered yes. Member Kelly also asked if the homeowner's association had been notified. Mr. Issakainen answered yes he had gotten architectural approval from the community.

Member Schepp stated he has no objections

Chairman McIntosh closes the public hearing and opens the board discussion.

Board Discussion

Member Kelly stated it's a bit tight but if the neighborhood is okay with the plan, he has no objections to the plan.

Chairman McIntosh stated he thinks the addition fits in the neighborhood.

Chairman McIntosh determined the proposed project and action contemplated comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Member Schepp made motion to grant the variance for 4603 Widgeon Path, Manlius NY granting the 32' instead of the required 40' front yard setback, seconded by Member Kelly.

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye
Member Schepp	aye

The motion was carried.

James Managano, 118 Turning Leaf Dr. Tax Map # 117.2-03-27.0 – Area Variance for 16X24 deck, requesting a side yard setback of 9'4" instead of the required 15' per chapter 155-9-B

Mr. Managano stated he would like to build a deck off the dining room. He also stated that the plans have gone through the HOA.

Chairman McIntosh asked if Mr. Managano had notified his neighbor's. Mr. Managano answered yes

Member Schepp asked if the deck will match the house. Mr. Managano answered yes.

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method?
Mr. Managano answered - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Managano answered - no

- 3) Whether the requested Variance is substantial? Mr. Managano answered - no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Managano answered - no
- 5) Whether the alleged difficulty was self-created? Mr. Managano answered - no

Member Kelly asked if the railing around the deck will match the deck. Mr. Managano answered yes will be composite.

Chairman McIntosh opened the public hearing

Chairman McIntosh closed the public hearing

Board Discussion

Member Schepp stated that the composite deck will fit with neighborhood and the existing fence will add privacy.

Member Kelly stated this will not affect the look of the neighborhood, so he has no objections.

Chairman McIntosh determined the proposed project and action contemplated comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Member Kelly made motion to grant the applicant at 118 Turning Leaf Dr. an area variance for the construction of a 16' X 20' wood deck, requesting the side yard setback of 9'4" instead of the required 15' it will be in line with the existing house in back and it has the required railings, seconded by Member Schepp.

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye
Member Schepp	aye

The motion was carried.

East Side Dental, 7201 E. Genesee St. Fayetteville NY Tax Map # 087.07-46.0 – Area Variance for parking - needing lot coverage of 39.5% instead of the required 35% per Chapter 155-20-E

Ray Scruton is here for the applicant and they are asking for an area variance for lot coverage and front yard parking. They are adding on to the building and the addition is within the lot lines but because the building is being added to we are required to add more parking spaces which is where we need the lot coverage.

Chairman McIntosh asked if the applicant had notified his neighbor's. Mr. Scruton answered yes

Chairman McIntosh proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Scruton answered - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Scruton answered - no
- 3) Whether the requested Variance is substantial? Mr. Scruton answered - middle
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Scruton answered - no
- 5) Whether the alleged difficulty was self-created? Mr. Scruton answered - no

Chairman McIntosh opened the public hearing and asked if any members of the public wanted to speak, there being no response from the public comment session was closed.

Board Questions:

Member Schepp asked about the run of issues and if the rain garden will be maintained as long as the dentist owns the property. Mr. Scruton answered yes as long as the doctor owns it.

Chairman McIntosh asked why the parking wasn't placed elsewhere on the property. Mr. Scruton answered the front is where it fit best for row parking.

Member Kelly asked if the parking would be raised. Mr. Scruton answered no it will follow the land line.

Member Schepp asked is any other run off area for the rain and if there is an existing basin. Mr. Scruton answered no, just the rain garden.

Member Kelly asked if the addition will be a 2 story. Mr. Scruton answered it's a one story addition with dormers.

Member Kelly asked if the neighbor in the back had been notified. Mr. Scruton answered yes.

Chairman McIntosh opened the public hearing and asked if any members of the public wanted to speak, there being no response, the public comment session was closed.

Chairman McIntosh determined the proposed project and action contemplated 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 Schepp made a motion to grant an area variance for East Side Dental, 7201 E. Genesee St. Fayetteville NY, for 39.5% of lot coverage instead of the required 35% coverage, second by Member Kelly

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye

Member Schepp aye

The motion was carried.

Other Business

Chairman McIntosh stated that he had received a complaint on the addition for 7809 Karakul Lane which the Chairman did not receive until after the meeting took place. The gentlemen's main complaint was the character of the neighborhood and that the town is allowing 2 family dwellings. Chairman McIntosh told him this is not a 2 family, they are adding on space for his mother to live. Chairman McIntosh invited the gentlemen to come to a meeting when he returns home and speak. Chairman McIntosh confirmed that the variance had been granted and that would not change.

Adjournment

With there being no other business, Member Schepp made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 7:43pm.

Respectfully submitted,
Deborah Witzel,
ZBA Clerk