

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
May 21, 2015**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on May 21, 2015 in the Town Hall, 301 Brooklea Drive, Fayetteville, New York. Those present were:

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

Also Present: Greg & Daryl Felice, Fayetteville. Timothy Cook, E. Syracuse.

The Pledge of Allegiance was recited.

Minutes and Legal Notices

Member Kelly made a motion, seconded by Member Campbell to approve the minutes of March 19, 2015, and it was carried unanimously.

Member Schepp made a motion, seconded by Member Ruthig to approve the minutes of April 16, 2015, and it was carried unanimously.

**Timothy & Teisha Cook, 221 Lee Terrace, East Syracuse, NY Tax Map # 077.-02-10.0
– PUBLIC HEARING – Area Variance – to construct an 8’X18’ 2 story addition –
requesting a side yard setback of 8’ instead of the required 15’ per Chapter 155-9-B**

Chairman McIntosh stated that he has confirmed that the legal notice’s had been published for the application’s on the agenda.

Member Schepp made a motion, seconded by Member Kelly to waive the reading of the publication for the items on the agenda and it was carried unanimously.

Chairman McIntosh stated that Mr. Cook had notified his neighbors

Mr. Cook stated he is requesting an addition to bump out the kitchen towards the back yard and above the kitchen addition add a master bath.

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. Cook answered - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Cook answered - no
- 3) Whether the requested Variance is substantial? Mr. Cook answered - no

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

Member Schepp asked Mr. Cook if he had notified his neighbors and if so what their responses were to the project. Mr. Cook answered no one had a problem with the project.

Member Schepp asked if this will just be a bump out on the east side of the house and if it will remain flush with the structure. Mr. Cook answered yes

Member Kelly asked if the addition will match the existing house with siding, windows and roofing. Mr. Cook answered yes, including the foundation.

Public Comment:

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

Board Questions:

Member Kelly stated that this project will not change the character of the neighborhood and will add value to the house.

Member Campbell mentioned that the addition will not be seen from the street.

Chairman McIntosh stated he likes the project

Member Kelly asked if the existing deck will be replaced. Mr. Cook answered not at this time.

Board Action:

Member Schepp made a motion to approve the application of Timothy & Teisha Cook, 221 Lee Terrace, East Syracuse, NY Tax Map # 077.-02-10.0 – for an area variance – to construct an 8’X18’ 2 story addition – with a side yard setback of 8’ instead of the required 15’, the motion was seconded by Member Ruthig.

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye
Member Campbell	aye
Member Schepp	aye
Member Ruthig	aye

The motion was carried.

Greg Felice, 5193 Fairlawn Dr., Fayetteville NY Tax Map # 092.-04-03.0 – PUBLIC HEARING – Area Variance – to construct a 16’X30’ in ground swimming pool - requesting a 15’ side yard setback & 31’ rear yard setback instead of the required 20’ side & 40’ rear required per Chapter 155-7-B

Mr. Felice stated that it will be a small kidney shaped pool and because of the septic was limited as to where to put the pool.

Chairman McIntosh asked if Mr. Felice had notified his neighbors. Mr. Felice answered yes.

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

- 6) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Felice answered no
- 7) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Felice answered - no
- 8) Whether the requested Variance is substantial? Mr. Felice answered - no
- 9) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Felice answered - no
- 10) Whether the alleged difficulty was self-created? Mr. Felice answered – no

Board Questions:

Member Kelly asked if Mr. Felice had someone check to see where the leach field is located to see if they would be able to eliminate the side line variance.

Mr. Felice stated he had Ni Mo come over and it would not be a problem to move it 5'.

Member Kelly asked if he could then do away with the sideline setback. Mr. Felice answered yes.

Member Schepp asked why Mr. Felice why he wanted the pool 15' off the sideline

Mr. Felice answered aesthetics; it would flow nicely with the stone patio to the pool.

Discussion ensued about the sideline request.

Mr. Felice stated they decided on a smaller pool 16'X30' instead of the original 18'X36' so it wouldn't encroach on the leach field.

Member Schepp stated from what Mr. Felice said the original plan was laid out to avoid the leach field, not just for aesthetics.

It was decided that the sideline setback of 15' was needed to avoid the leach field

Member Schepp asked about the requested rear setback of 31'. Asking is this would allow room to move around the pool. Member Schepp asked if Mr. Felice had spoken to his neighbors about the rear yard setback.

Mr. Felice answered his neighbors are fine with the plan.

Public Comment:

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

Board Comments:

Member Ruthig stated the plan works fine and with the fence around the yard the pool will not be a bother for the neighbors.

Member Kelly asked how long it will take to build the pool.

Mr. Felice answered about a month

SEQRA Review:

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 Kelly made a motion to approve the application of Greg Felice, 5193 Fairlawn Dr., Fayetteville NY Tax Map # 092.-04-03.0 – for an area variance – to construct a 16'X30' in ground swimming pool - with a 15' side yard setback & 31' rear yard setback instead of the required 20' side & 40' rear required, the motion was seconded by Member Campbell.

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye
Member Campbell	aye
Member Schepp	aye
Member Ruthig	aye

The motion was carried.

Chairman McIntosh realized they had not included the SEQRA Review for Mr. & Mrs. Cooks variance request so it is entered here.

SEQRA Review:

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.

Other Business

Chairman McIntosh asked that if any members are going to be absent from a meeting that they notify him or clerk Deb Demmon.

Adjournment

With there being no other business, Member Ruthig made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 7:28pm.

Respectfully submitted,
Deborah Demmon, Clerk
Town of Manlius Zoning Board of Appeals