

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
June 18, 2015**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on June 18, 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: Gerald Cotton, Randy & Debbie Williams, Keith Poole, Brad Ertl

The Pledge of Allegiance was recited.

Minutes and Legal Notices

Member Kelly made a motion, seconded by Member Campbell to approve the minutes of May 21, 2015, and it was carried unanimously.

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 Ruthig to waive the reading of the publication for the items on the agenda and it was carried unanimously.

Gerald Cotton, 4958 Adah Dr., Manlius NY Tax Map # 104.-08-17.0 – PUBLIC HEARING – Area Variance – to install a pre-built 10' X 14' storage/garden shed – requesting a 28' rear yard setback instead of the required 40'

Chairman McIntosh opened the Public Hearing for Mr. Cotton's application.

Mr. Cotton stated the neighbors had been notified by letter and in person. Mr. Cotton explained that the house has no basement or attic and very little storage space and that is why the storage shed is needed.

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. Cotton stated - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Cotton stated - no
- 3) Whether the requested Variance is substantial? Mr. Cotton stated - no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Cotton stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Cotton stated - no

Board Questions:

Member Schepp asked if Mr. Cotton had notified his rear neighbor. Mr. Cotton answered he had sent a letter as the neighbor lives in Utica.

Member Kelly asked if the color of the building and the roof will match the existing house.

Mr. Cotton answered – yes it will and it will have window shutters and asphalt shingles, and ¾” tongue and groove wood floor and the shed is movable.

Member Schepp asked if there will be utilities in the shed

Mr. Cotton answered – No

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.

Chairman McIntosh opened the Board Discussion

Board Discussion

Member Ruthig stated he thought the plan looked great

Member Campbell stated you won’t be able to see it from the road.

Member Kelly agreed the shed is not objectionable and would be in a great location

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 Ruthig made a motion to approve the application of Gerald Cotton, 4958 Adah Dr., to install a pre-built 10’ X 14’ storage/garden shed – requesting a 28’ rear yard setback instead of the required 40’, the motion was seconded by Member Schepp

The Board voted as follows:

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

The motion was carried.

Brad Ertl, 316 Churchill Lane, Fayetteville NY Tax Map # 096.-04-33.0 – PUBLIC HEARING – Area Variance – to remove existing deck and replace it with a large deck – requesting a 26’ front yard setback instead of the required 40’

Chairman McIntosh opened the Public Hearing for Mr. Ertl's application.

Mr. Ertl explained that the current 10X16 deck is not sound and he would like to replace it with a larger 20X16 deck.

Chairman McIntosh asked if Mr. Ertl had notified his neighbors.

Mr. Ertl stated that he did notify his neighbors.

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. Ertl stated - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Ertl stated - no
- 3) Whether the requested Variance is substantial? Mr. Ertl stated - no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Ertl stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Ertl stated - no

Board Questions:

Member Kelly your front yard is on Churchill Lane and the side yard is on Hoag Lane and the deck would face Hoag Lane why are you asking for a front yard setback.

Chairman McIntosh stated that the house is on a corner so the property has two front yard lines.

Member Schepp it is within the 40' required and there is nowhere else to line it off so you wouldn't need a variance.

Mr. Ertl answered no with the larger deck a variance would be needed.

Member Schepp asked if Mr. Ertl's neighbors were okay with the project.

Mr. Ertl answered – yes

Member Kelly asked if the porch would be enclosed or if a roof would be added

Mr. Ertl answered the deck would not be enclosed and no roof

Chairman McIntosh opened the Board Discussion

Public Comment:

Chairman McIntosh asked if any other members of the public wanted to speak.

Mr. Poole a neighbor stated that Mr. Ertl does good work and is sure the deck will be a nice addition.

Chairman McIntosh closed the public hearing

Board Discussion:

Member Kelly stated if the only change is the size of the deck then it will not be an inconvenience to the neighborhood.

Member Schepp stated it will add to the value of the house

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 Schepp made a motion to grant a variance to Brad Ertl, 316 Churchill Lane, for an area variance to construct a deck with a front yard setback of 26' instead of the required 40' as outlined here tonight, 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.

Randy Williams, 7207 Mintwood Lane, Fayetteville NY Tax Map # 093.-04-20.0 – PUBLIC HEARING – Area Variance – to build a 18' X 16' garage with eaves or a 16' X 14' garage without eaves – requesting a 10.5' side yard setback instead of the required 20' and a 5.5' rear yard setback instead of the required 40'

Mr. Williams stated he and his wife have kayaks and a trailer and need a place to store them. Mr. Williams stated that only about 8 feet of the garage will be visible and they will be planting bushes to hide it. Mr. William did state that he notified his neighbors.

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. Williams stated - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Williams stated - no
- 3) Whether the requested Variance is substantial? Mr. Williams stated - no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Williams stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Williams stated - no

Board Questions:

Member Kelly stated he is concerned about the concrete slab being so close to the property line and easement.

Member Schepp stated that building with a concrete slab close to a drainage easement may be a problem.

Mr. Williams stated if the garage were to be moved out in the yard it would not be desirable for the neighborhood.

Member Kelly stated that 6" off a drainage easement is close.

Code Officer Jones stated that the Town needs to be able to get to the easement with equipment if needed for repairs. Code Officer Jones stated as long as it's out of the easement that's okay but 6" is very close.

Mr. Williams asked if 12" would be enough

Member Schepp & Code Officer Jones both stated that 12" inches would be better

Member Schepp stated that there is 10' on each side of the easement so Mr. Williams has 10' and the neighbor has 10'.

Member Schepp stated he would be more comfortable if it was 12" to the easement rather than 6".

Code Officer Jones asked in which direction the easement drains

Mr. & Mrs. Williams stated that in the 15 years they had been there they had never seen water in the easement.

Code Officer Jones asked if the road was higher than the land for the garage.

Mrs. Williams stated the road is a bit lower but not by much.

Member Kelly asked if they were going to put anything behind the garage to cover it up.

Mr. Williams stated that the neighbor has large pine trees and he has a fence in the back now that will hide the garage.

Member Ruthig stated that the garage will be nicely tucked into the back corner of the lot.

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.

Chairman McIntosh closed the public hearing

Board Discussion:

Member Kelly asked if the board should be concerned with the garage not being movable and allowing it to be built that close to the rear lot line and the easement.

Member Schepp asked if there would be any utilities in the building and if there were any

future plans to add utilities.

Mr. Williams answered no

Member Kelly was concerned that the board would be setting a precedent by allowing the garage to be built so close to an easement.

Chairman McIntosh stated that every variance stands on its own.

Member Schepp stated that it's a sizable structure for a backyard but the fact that it will have no utilities and it will be 1' off the easement makes him more comfortable with the project.

Member Kelly asked if the structure will look like the picture submitted

Member Schepp asked if it will have windows.

Mr. Williams answered the color will match the house and there will be one window and one door as well as the 7' garage door.

Member Campbell stated that the side yard setback will change to 11' from the requested 10.5'

Member Kelly asked who is building the garage

Mr. Williams answered North Country Shed Builders, Philadelphia NY

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

Mr. Williams answered one day for the prep and one day to build.

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 Schepp made a motion to grant Randy Williams, 7207 Mintwood Lane, a area variance to construct a 18' X 16' garage requesting to change the side yard setback to 11' instead of the required 20' and a 5.5' rear yard setback instead of the required 40' as outlined here tonight, 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.

Other Business

Chairman McIntosh made sure everyone had received the notice from Lisa about and upcoming training session.

Adjournment

With there being no other business, Member Campbell made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 7:44pm.

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