

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
July 16, 2015**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on July 16, 2015 in the Town Hall, 301 Brooklea Drive, Fayetteville, New York. Those present were:

Chairman	Henry McIntosh	
Member	KP Kelly	
Member	T.R. Schepp	(entered meeting at 7:20)
Member	Al Ruthig	Absent
Member	Jim Campbell	
Secretary	Deborah Demmon	
Code Enforcement Officer	Michael Jones	

Also Present: Jeffrey LeMor, Cannon Pools. Larry Barnes, E. Syracuse. Charles & Anne Hesse, E. Syracuse. Daryl Felice, Fayetteville. Dan Napolitano, Fayetteville. Dane & Theresa Schafran, Fayetteville.

The Pledge of Allegiance was recited.

Minutes and Legal Notices

Member Kelly made a motion, seconded by Member Campbell to approve the minutes of June 18 2015, 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 Campbell 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.

Lawrence Barnes, 114 Miller Dr., East Syracuse NY Tax Map # 066.-02-16.0 – Area Variance – to install a 14' X 21' steel storage shed on existing driveway, requesting a rear yard setback of 4', instead of the required 25' per chapter 155-9-B

Chairman McIntosh asked Mr. Barnes if he had notified his neighbors. Mr. Barnes answered – yes

Mr. Barnes stated he would like a variance for the shed that is next to the existing garage. Mr. Barnes stated it is 328 feet through the woods to the neighbor's house behind him. Mr. Barnes stated he put the garage up 11 years ago and received a variance from the town for that.

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. Barnes stated - no

2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties?

Mr. Barnes stated - no

3) Whether the requested Variance is substantial?

Mr. Barnes stated - no

4) As to whether the Variance will have an adverse effect on physical or environmental conditions?

Mr. Barnes stated - no

5) Whether the alleged difficulty was self-created?

Mr. Barnes stated - yes

Public Comment:

Charles Hesse, 118 Miller Dr. asked if Mr. Barnes garage and driveway were legal. Mr. Hesse asked is the garage is considered a garage if it doesn't have a driveway? Mr. Hesse stated the driveway is not legal according to code 155-3. Mr. Hesse stated that according to the code the garage has to have a parking space and it does not have a parking space.

Member Kelly stated there is an asphalt driveway going to the street.

Code Officer Jones stated the driveway is a legal driveway.

Member Schepp enters @ 7:20

Mr. Hesse stated the driveway is on the property line and therefore is not legal. He also asked if Mr. Barnes can drive a car on the driveway to the garage. Mr. Barnes answered yes he can drive on the driveway but because it is narrow he drives on the lawn.

Mrs. Hesse stated they have a problem with the 4' rear yard setback. Mrs. Hesse asked how it is legal to have 7 buildings in a residential zone. Mrs. Hesse stated she is concerned it is hurting their property value.

Member Kelly reviewed the buildings on the property and where the new building is located. And stated the question before the Board is the shed not the driveway.

William Zuti, 116 Miller Dr. stated the shed is behind his house and is very neat and clean. Mr. Zuti stated he does not have a problem with the shed.

Member Schepp asked Mr. Zuti if his house is next door to Mr. Barnes inside the L-shape of Mr. Barnes lot.

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 Campbell asked what the shed would be used for. Mr. Barnes answered he has a small vehicle in the shed right now.

Member Campbell asked if Mr. Barnes has a problem getting his car into the garage or the shed. Mr. Barnes answered the driveway is narrow and it has been there since before he lived there about 50 years.

Board Discussion

Member Kelly stated the property is clean

Member Campbell stated the shed was professionally done and there is nothing behind the shed but trees.

Mr. Barnes stated that he spoke to the person that lives behind him and he has no problem with the shed. He also stated he had spoken to each neighbor.

Member Kelly asked if the neighbors were notified and if any objected.

Chairman McIntosh answered 5 neighbors were notified no one objected

Member Campbell stated that the code is always changing so if something was Ok'd by the Board it is then grandfathered in.

Code Officer Jones answered yes

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 seconded by Member Campbell to table the request until the August 20, 2015 meeting to allow the Board Members more time to review the issues.

The Board voted as follows:

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

The motion was carried.

Greg Felice, 5193 Fairlawn Dr., Fayetteville NY Tax Map # 092.-04-03.0 – Area Variance – to install a 16' X 30' inground pool, requesting a rear yard setback of 24' instead of the required 40' per chapter 155-7-B

Daryl Felice homeowner and Jeff LeMor from Cannon Pools stated there had been a variance issued for a 31' setback and when Cannon Pools started digging they measured and it should be a 24' setback. So they are back to correct the measurement and get a new variance.

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?

Mrs. Felice stated - no

- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties?

Mrs. Felice stated - no

- 3) Whether the requested Variance is substantial?

Mrs. Felice stated - no

- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions?

Mrs. Felice stated - no

- 5) Whether the alleged difficulty was self-created?

Mrs. Felice stated - yes

Board Questions:

Member Schepp asked if the survey was incorrect.

Jeff LeMor believes that between the time the survey was done and now the neighbors put in a new fence that is right on the property line which changed the measurement.

Public Comment:

Theresa Moloney Schafran, 5204 Duane Dr. neighbor behind the Felice's. Mrs. Schafran would like to know where the pool will be placed in the yard.

Mrs. Felice stated the pool location is not being moved they are just correcting the measurement.

Mr. & Mrs. Schafran were not happy with the way they were notified about the variance request (they stated the notice was left in their mailbox and flew out into the yard.) They are concerned about the change from 31' to 24'.

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 Campbell stated the pool is in the same place it was before the only thing that changed were the measurements.

Member Kelly stated he has no objection to the pool; they are just correcting a mistake.

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 an area variance for Daryl & Greg Felice located at 5193 Fairlawn Dr. to install a 16' X 30' inground pool, with a rear yard setback of 24', construction to be completed in 90 days the motion was seconded by Member Schepp.

The Board voted as follows:

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

The motion was carried.

Dan Napolitano, 7840 Karakul Lane, Fayetteville NY Tax Map # 096.-11-03.0 – Area Variance – to add 1520' of living space, requesting a side yard setback of 17.8' with 16" overhangs instead of the required 20' per chapter 155-7-B

Mr. Napolitano stated the addition will continue from the garage line back staying within the boundary of the existing structure. The original setback was 10' and the garage is 17.8' and the current required set back is 20'.

Chairman McIntosh asked if the neighbors had been notified.

Mr. Napolitano 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. Napolitano stated - no

- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties?

Mr. Napolitano stated - no

- 3) Whether the requested Variance is substantial?

Mr. Napolitano stated - no

- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions?

Mr. Napolitano stated - no

- 5) Whether the alleged difficulty was self-created?

Mr. Napolitano stated - no

Board Questions:

Member Schepp confirmed that they will be staying within the boundary of the existing structure. Mr. Napolitano answered yes

Member Kelly asked if he notified the neighbor on the side where the building will take place. Mr. Napolitano answered yes, that he spoke to the neighbor and they are okay with the project.

Member Kelly asked if the siding and roofing and windows will match the existing house and if there will be a full basement under the addition. Mr. Napolitano answered yes

Member Kelly asked how long it will take to complete Mr. Napolitano answered hopefully October.

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 Discussion

Member Schepp stated he has no issue as long as it is within the envelope of the existing structure. Member Campbell agreed.

Member Kelly asked about the water coming off the roof. Mr. Napolitano stated there is a gutter pipe and it will drain to the stormwater drain that is at the base of the property.

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 grant an area variance to Dan Napolitano, 7840 Karakul Lane, Fayetteville – to construct to construct a 2 story addition to the home, here by modifying the 20' setback to that of 17'.8" with a 16" overhang, it will be 1520 square feet of space, and it will match the existing house. Construction should be completed within 90 days. The motion was seconded by Member Campbell.

The Board voted as follows:

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

The motion was carried.

Adjournment

With there being no other business, Member Schepp made a motion, seconded by Member Campbell, and carried unanimously, to end the meeting at 7:55pm.

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