

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
September 17, 2015**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on September 17, 2015 in the Town Hall, 301 Brooklea Drive, Fayetteville, New York. Those present were:

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

Also Present: Rick McDonald, Contractor for Mr. & Mrs. Ryan

The Pledge of Allegiance was recited.

Minutes and Legal Notices

Member Kelly made a motion, seconded by Member Campbell to approve the minutes of August 20, 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. Chairman McIntosh confirmed that the neighbors had been notified and that the HOA is okay with the plans.

Thomas Ryan, 4650 Ringnecked Path, Manlius NY Tax Map # 117.3.-02-09.1 – Area Variance – to add a 28' X 21' wooden deck to the rear of the house, requesting a rear yard setback of 16'.85" instead of the required 40' per chapter 155-7-8

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

Public Hearing:

Chairman McIntosh opened the public hearing and asked if any members of the public wanted to speak?

Rick McDonald contractor for the Ryan's stated that they needed extra footage for the proposed 28'X21' deck at the back of the house. The land behind the house is a common area owned by the HOA and they approved the project.

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 asked about the space between the threshold and the pavers.

Mr. McDonald stated that space will be taken up by the deck. It will be a self standing deck not attached to the house. It will be built with post and beam construction and that will raise the deck so there is no more than an 8" step down to the deck and one more step to the grass.

Member Kelly asked if they would be removing the pavers for the deck posts

Mr. McDonald answered that they will only remove pavers needed for the placement of the posts.

Chairman McIntosh asked if the deck will be built with pressure treated wood.

Mr. McDonald answered yes

Board Discussion

Chairman McIntosh stated he had looked at the property and the deck fits the surroundings.

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 grant an area variance to Thomas & Mary Ryan, 4650 Ringnecked Path, Manlius to build a 28' X 21' deck at the rear of the house, with a rear yard setback of 16'.85" instead of the required 40', to be completed within 90 days, seconded by Member Kelly

The Board voted as follows:

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

The motion was carried.

Other Business

Chairman McIntosh asked ZBA Secretary Demmon if there had been any response from the Town Board concerning, LED lights in the Town, and Monument Signs in the Town. Secretary Demmon stated she had sent an e-mail to Town Attorney Frateschi and has not received a response at this time.

Adjournment

With there being no other business, Member Ruthig made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 7:12pm.

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