

TOWN OF MANLIUS
ZONING BOARD OF APPEALS
November 20, 2014

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on November 20, 2014 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: Jeanne Lagergrew, Pamm Mosey, Ryan Schafer, Paul Zoeckler, Kevin Conway, Scott Freeman.

The Pledge of Allegiance was recited.

MINUTES AND LEGAL NOTICES

Member Schepp made a motion, seconded by Member Ruthig to approve the minutes of September 18 2014.

Ayes: Member Schepp, Member Ruthig, Member Campbell

Abstain: Member Kelly

Motion Carried

Member Schepp made a motion, seconded by Member Campbell to approve the minutes of the Special Meeting held September 11, 2014

Ayes: Member Schepp, Member Ruthig, Member Campbell

Abstain: Member Kelly

Motion Carried

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.

Kevin Conway, 5850 Strawmount Trail, Chittenango, NY 13037

PUBLIC HEARING – Area Variance – to construct a 10' X 14' shed – requesting a side yard setback of 14' instead of the required 20'

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. Conway stated - no, stating he made sure the shed would not be visible from the street.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Conway stated - no, he made sure the shed would match his house.
- 3) Whether the requested Variance is substantial? Mr. Conway stated – no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Conway stated – no
- 5) Whether the alleged difficulty was self-created? Mr. Conway stated - yes

Member Schepp asked if Mr. Conway had notified all the neighbors. Mr. Conway answered – yes, naming his neighbors and stated that no one has a problem with the shed.

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 Kelly stated the shed is already there and it looks fine, he has no problem with it.

Member Campbell stated the shed looks nice and he has no problem with the shed.

Member Schepp stated that going with the comments from the board, he does not problem with the shed, and thinks that the board should approve the project.

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 approve the application of Kevin Conway of 5850 Strawmount Trail an area variance – to construct a 10' X 14' shed – requesting a side yard setback of 14' instead of the required 20', 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.

Paul & Christina Zoeckler, 221 Churchill Lane, Fayetteville NY 13066

PUBLIC HEARING – Area Variance – to construct an 11.5' X 21.3' garage addition – requesting a side yard setback of 5' instead of the required 20'

Mr. Zoeckler wanted to add a second garage to balance the look of the house and also it would benefit him since the loss of vision in one eye he has planned to widen the width of both garage doors.

Chairman McIntosh then 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. Zoeckler stated – no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Zoeckler stated - no he felt it would improve the character of the neighborhood.
- 3) Whether the requested Variance is substantial? Mr. Zoeckler stated – yes
- 4) Whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Zoeckler stated – no
- 5) Whether the alleged difficulty was self-created? Mr. Zoeckler stated - no

Board Questions:

Member Kelly complimented Mr. Zoeckler on the pictures in his presentation and stated that they helped him to visualize the project.

Member Schepp asked about the landscaping and eaves

Mr. Zoeckler stated the hedge row by the garage will go but the tree he would like to keep. He will not be adding eaves.

Chairman McIntosh asked if the driveway would be explained

Mr. Zoeckler stated no he would only have to add a piece to the apron in front of the garage door.

Member Kelly asked when the project would start

Mr. Zoeckler stated as soon as possible

Member Kelly asked if the neighbors had be notified

Mr. Zoeckler answered - yes

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 Ruthig stated the house looks out of proportion now and a two car garage would look better than a one car garage, and it looks like a good plan.

Member Campbell stated there is plenty of room between him and the neighbor's house.

Member Schepp stated it gives him comfort that the property is on a corner lot and if needed emergency vehicles would have easier access.

SEQRA Review:

The Board 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 Paul & Christina Zoeckler, 221 Churchill Lane, Fayetteville NY 13066 to allow a 5' setback X 21.3' garage addition. The motion was seconded by Member Kelly.

The Board voted as follows:

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

The motion was carried unanimously.

Pamm Mosey & Jeanne Lagergrew, 815 South Manlius St., Fayetteville NY 13066

PUBLIC HEARING – Area Variance – to construct a 10' X 14' shed – requesting a rear yard setback of 23' instead of the required 40'

Ms. Lagergrew stated they had notified the neighbors. She stated the shed is an Amish built cedar shed and it will be stained dark. She stated they needed the storage shed because they don't have a basement.

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

Board Questions:

Member Kelly asked if the shed will be a dark or medium stain

Ms. Lagergrew stated that a medium stain would be used to blend with the area, and the roof will be a green metal so no moss will grow on it.

Member Schepp confirmed that they had notified their neighbors.

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:

The board agrees the project is a good one and the location is perfect

SEQRA Review:

The Board 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 Campbell made a motion to grant the Area Variance to Pamm Mosey & Jeanne Lagergrew, 815 South Manlius St., Fayetteville NY 13066 to allow the requested rear yard setback of 23' instead of the required 40' to construct a 10' X 14' shed. The motion was seconded by Member Kelly.

The Board voted as follows:

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

The motion was carried unanimously

Ryan Schafer (The N J Kenna Irrevocable Trust), 5501 Golden Heights Dr. Fayetteville, NY 13066**PUBLIC HEARING – Area Variance – to construct a 20' X 36' in ground pool – requesting an area variance for a rear yard setback of 29' instead of the required 40'.**

Mr. Schafer stated he had notified the neighbors and that he had letters of recommendation from them. He also introduced his landscape architect Mr. Scott Freeman for any detailed questions the board may have.

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

Board Questions:

Member Kelly stated his concern about the terraces to make sure they are not sloped to direct the water onto someone else's property.

Mr. Schafer stated there is an existing swale to the south and the plan is to direct the water to the existing swale and he has discussed this with that neighbor. Mr. Schafer's landscaper Mr. Freeman went into more detail about the direction of the water to the south swale.

Chairman McIntosh asked if the neighbor behind was ok with the project.

Mr. Schafer stated they are

Chairman McIntosh confirmed that the neighbors had been notified.

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 Kelly stated they have given a lot of thought to the details and it looks like a good project.

SEQRA Review:

The Board 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 Ryan Schafer, (The N J Kenna Irrevocable Trust), 5501 Golden Heights Dr. Fayetteville NY 13066, for a rear yard setback of 29' instead of the required 40' to construct a 20' X 36' in ground pool. The motion was seconded by Member Campbell

The Board voted as follows:

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

The motion was carried unanimously

OTHER BUSINESS

ADJOURNMENT

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

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