

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
January 17, 2013**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on January 17, 2013 in the Town Hall, 301 Brooklea Drive, Fayetteville, New York. Those present were:

Chairman	Henry McIntosh	
Member	Marilyn Urciuoli	(Absent)
Member	KP Kelly	
Member	T.R. Schepp	
Member	Al Ruthig	
Secretary	Lisa Baleno	
Code Enforcement Officer	Michael Jones	

The Pledge of Allegiance was recited.

Organizational Meeting 2013

The Town Board appointed Henry McIntosh for Chairman of the Zoning Board of Appeals for a period of 1 year to expire 12/31/13.

The Town Board also appointed Henry McIntosh as a member of the Zoning Board of Appeals for a period of 5 years to expire on 12/31/17.

The Town Board has updated Marilyn Urciuoli as a member of the Zoning Board of Appeals for a period of 4 years to expire on 12/31/16.

The Town Board appointed Al Ruthig as a member of the Zoning Board of Appeals for a period of 1 year to expire on 12/31/14.

The Zoning Board of Appeals 2013 Meeting Schedule to be held on the 3rd Thursday of every month will meet at 7:00pm at the Manlius Town Hall.

MINUTES AND LEGAL NOTICES

Member Kelly made a motion, seconded by Member Schepp to approve the minutes of December 20, 2013 and it was carried unanimously.

Chairman McIntosh stated that he has confirmed that the legal notices have been published for the applications 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.

**LYDIA AND PHILIP KREITZER, 7283 WAKEFIELD DRIVE, FAYETTEVILLE, NY 13066
PUBLIC HEARING – AREA VARIANCE – FOR A FAMILY ROOM ADDITION (18’x24’)
AND A NEW DECK (16’x20’) – REQUESTING A SIDE YARD SETBACK OF 12’
INSTEAD OF THE REQUIRED 20’.**

Chairman McIntosh asked the applicant to respond to the 5 criteria to be considered for an area variance.

Leonard Riedl was there to represent the applicant.

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

- Mr. Riedl answered – No.

Mr. Riedl said that the applicant wants to add a Family Room off of the back of the house. It will be in line with the house. He will build a new deck off the back of the Family Room.

2) Whether the benefit sought by the Applicant can be achieved by some other feasible method?

- Mr. Riedl answered – No.

3) Whether the requested Variance is substantial?

- Mr. Riedl answered - No.

The applicant is seeking a 12' variance from the required 20' side yard setback.

4) Whether the Variance will have an adverse effect on physical or environmental conditions?

- Mr. Riedl answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Riedl answered – No.

There were no comments from the Public.

BOARD DISCUSSION

Member Kelly said that reading the survey, the existing house is 11'3" off the sideline not 12'. They are less than the 12' that they are requesting. In addition to that they have a 2' overhang that is going to be a fireplace; so all together the setback should be about 9' not the 12 that they are requesting. The problem is that it has already been published in the paper at 12' and the neighbors have all believed it to be a 12' variance.

Member Schepp asked if all the neighbor notices had been sent. Chairman McIntosh said that he received 5 notices. Member Schepp then said that if any of the neighbors had an issue with the 12' variance then they would have been here. Looking at the drawing, he thinks that it is a minor error and should be overlooked.

Member Kelly has no problem with the addition, but he thinks that it needs to be re-published at 9'. The neighbor notification policies also need to be resent.

Discussion ensued regarding the re-publishing of the application and amending the the application.

Chairman McIntosh said that we will have to re-publish the Legal Notice to say 9' instead of 12', as previously requested; therefore no decisions will be made tonight.

MOTION

Member Schepp made a motion, seconded by Member Kelly to table the application to the next meeting, February 21, 2013.

OTHER BUSINESS

Member Schepp welcomed new Member Al Ruthig to the Board.

With there being no other business, Member Ruthig made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 7:27pm.

Respectfully submitted,
Lisa Baleno, Secretary
Town of Manlius Zoning Board of Appeals