

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
February 21, 2013**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on February 21, 2013 in the Town Hall, 301 Brooklea Drive, Fayetteville, New York. Those present were:

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

The Pledge of Allegiance was recited.

MINUTES AND LEGAL NOTICES

Member Ruthig made a motion, seconded by Member Schepp to approve the minutes of January 17, 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 Urciuoli 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 9'
INSTEAD OF THE REQUIRED 20'.**

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

Todd Harrington 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. Harrington answered – No.

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

- Mr. Harrington answered – No.

3) Whether the requested Variance is substantial?

- Mr. Harrington answered - No.

The applicant is seeking a 9' variance from the required 20' side yard setback.

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

- Mr. Harrington answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Harrington answered – No.

There were no comments from the Public.

BOARD DISCUSSION

Member Kelly asked is anything had changed regarding the specs of the family room. Mr. Harrington said no.

SEQR

Chairman McIntosh indicated that this is a Type II action and no further SEQR action is necessary.

A motion was made by Member Schepp, seconded by Member Kelly to declare the ZBA the Lead Agency for SEQR purposes; and it was carried unanimously.

CONDITIONAL APPROVAL OF VARIANCE:

A summary of the Board's findings based on the discussion above is as follows: that no undesirable change in the character of the adjoining residential neighborhood or detriment to neighboring properties will be created by the variance because the proposed family room and deck will have little if any effect on the neighboring properties; it is not substantial because it is a side yard variance, but it will not have an adverse effect on environmental conditions in the neighborhood; and the variance is self-created, but the benefit to the applicant outweighs the detriment to the community.

Member Kelly made a motion to allow an area variance for the real property located at 7283 Wakefield Drive, Fayetteville, New York for a family room and a deck requesting a side yard setback of 9' instead of the required 20' with the conditions as set forth above. The motion was seconded by Member Schepp.

Based on the foregoing the Board voted to approve the deck extension in accordance with the exhibits submitted with the following conditions: to be completed in 120 days.

Chairman McIntosh	aye
Member Kelly	aye
Member Uricuoli	aye
Member Schepp	aye
Member Ruthig	aye

The motion was carried unanimously.

THOMAS & LORI PLAISTED, 114 RICHMOND ROAD EAST, E. SYRACUSE NY 13057
PUBLIC HEARING – AREA VARIANCE – FOR A 10'x16' SHED – REQUESTING A
SIDE YARD SETBACK OF 6' INSTEAD OF THE REQUIRED 15'.

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

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

- Mr. Plaisted answered – No.

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

- Mr. Plaisted answered – No.

3) Whether the requested Variance is substantial?

- Mr. Plaisted answered - No.

The applicant is seeking a 6' variance from the required 15' side yard setback.

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

- Mr. Plaisted answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Plaisted answered – Yes.

PUBLIC COMMENT

Donald Caslor 116 Richmond Rd. E. commented on the said neighbors bringing cats home. He also wants the Board to hold this project until June 1 so he can talk to his lawyer.

Member Schepp stated that the reason the applicant was in front of the Board tonight was for an area variance regarding a shed. He then asked Mr. Caslor if he had any comments regarding the shed. Mr. Caslor said he doesn't like the shed. (The shed borders on the other neighbors property, not Mr. Caslor's).

Chairman McIntosh again asked Mr. Caslor if he had anything to say about the shed variance. Mr. Caslor said it has nothing to do with the shed.

SEQR

Chairman McIntosh indicated that this is a Type II action and no further SEQR action is necessary.

A motion was made by Member Kelly, seconded by Member Schepp to declare the ZBA the Lead Agency for SEQR purposes; and it was carried unanimously.

CONDITIONAL APPROVAL OF VARIANCE:

A summary of the Board's findings based on the discussion above is as follows: that no undesirable change in the character of the adjoining residential neighborhood or detriment to neighboring properties will be created by the variance because the proposed shed will have little if any effect on the neighboring properties; it is not substantial because it is a

variance side yard setback, but it will not have an adverse effect on environmental conditions in the neighborhood; and the variance is self-created, but the benefit to the applicant outweighs the detriment to the community.

Member Schepp made a motion to allow an area variance for the real property located at 114 Richmond Road East Syracuse, New York for a shed requesting a side yard setback of 6' instead of the required 15' with the conditions as set forth above. The motion was seconded by Member Uricuoli.

Based on the foregoing the Board voted to approve the shed in accordance with the exhibits submitted with the following conditions:

Chairman McIntosh	aye
Member Kelly	aye
Member Uricuoli	aye
Member Schepp	aye
Member Ruthig	aye

The motion was carried unanimously.

OTHER BUSINESS

With there being no other business, Member Schepp made a motion, seconded by Member Urciuoli, and carried unanimously, to end the meeting at 7:23pm.

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