

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

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on March 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	(Absent)
Secretary	Lisa Baleno	
Code Enforcement Officer	Michael Jones	

The Pledge of Allegiance was recited.

MINUTES AND LEGAL NOTICES

Member Urciuoli made a motion, seconded by Member Kelly to approve the minutes of February 21, 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 Kelly 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.

WALLY MCRAE, 7290 TAYLOR ROAD, E. SYRACUSE NY 13057, PUBLIC HEARING – AREA VARIANCE – FOR EDWARD CHASE, 501 E. SENECA STREET, MANLIUS, NY 13104- LOT AREA FOR 8141 BROADFIELD RD., MANLIUS NY 13104 FOR THE PURPOSE OF BUIDLING A HOUSE – REQUESTING 32,500 SQUARE FEET INSTEAD OF THE REQUIRED 40,000 SQUARE FEET.

Mr. McCrae stated that Ed Chase has a barn on Broadfield Road that sits on a lot that Mr. McCrae would like to divide into two lots. Mr. McCrae's intentions are to build a house on one of the lots and keep the barn on its own lot. Would like to fix up the barn, put heat, water and a bathroom in there.

Chairman McIntosh asked if sewers were running up there yet. Mr. McCrae said no the sewers are down at Shadowrock and would have to be brought to the lot and the barn.

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. McCrae answered – No.

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

- Mr. McCrae answered – No.

3) Whether the requested Variance is substantial?

- Mr. McRae answered - No.

The applicant is seeking a 32,500 square foot' variance from the required 40,000 square foot.'

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

- Mr. McRae answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. McRae answered – No.

PUBLIC COMMENT

Ed Chase said that he was there as the property owner and wanted to help Wally out as much as he could.

BOARD DISCUSSION

Member Schepp asked who owns the property and who would retain ownership of the property after the business is conducted? Wally answered Ed Chase owns the property now and if this goes through and works out Mr. McRae will buy the one lot for now.

Member Schepp also asked what the intent was with the lot with the barn. Mr. McRae said that he is going to paint it and fix it up, make it look nicer. Put water and gas into the barn and sewer so there can be a bathroom and heat year round. Want to use the barn for the construction business and store boats for people.

Member Schepp's concern is that if the Zoning Board were to grant this variance, what guarantees do we have that that is what you will do with the barn? If we allow this to go forward and create a new lot we would be creating a non-conforming use on that lot.

Also asked was the question about putting sewers in. What assurances to the Zoning Board have that the sewers are actually going to in? Mr. McRae said that he has a letter from Napierala Consulting regarding the sewers. *(A copy of the letter is on File in the Planning and Development Office).*

Discussion ensued regarding the lack of sewers on the property and whether or not they were going to be put in.

Member Kelly said that the Board needs proof from Onondaga County Department of Health that sewers are able to go on that lot.

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 Urciuoli 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 building lot 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 Schepp made a motion to allow an area variance for the real property located at 8141 Broadfield Rd. Manlius, New York for a Lot Area for the purpose of building a house requesting 32,500 square feet instead of the required 40,000 square feet with the conditions as set forth above including proof from Onondaga County Department of Health that sewers are able to go on that lot. The motion was seconded by Member Uricuoli.

Based on the foregoing the Board voted to approve the deck extension in accordance with the exhibits submitted with the following conditions: Prior to a building permit being issued by the town, proof of public sewer connection be provided and construction to be completed in 9 months.

Chairman McIntosh	aye
Member Kelly	aye
Member Uricuoli	aye
Member Schepp	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 7:39pm.

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