

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
May 16, 2013**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on May 16, 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	(arrived at 7:44pm)
Member	Al Ruthig	
Secretary	Lisa Baleno	
Code Enforcement Officer	Michael Jones	

Also Present: Richard & Kathy Okun, Chris Pieczonka, Harry Stewart, Peter Daly, Tom Robertson

The Pledge of Allegiance was recited.

MINUTES AND LEGAL NOTICES

Member Urciuoli made a motion, seconded by Member Kelly to approve the minutes of April 18, 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 Ruthig 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.

**HARRY G. STEWART, 6520 SCHEPPS CORNERS ROAD, KIRKVILLE, NY 13082
PUBLIC HEARING – TO RE-BUILD AN EXISTING GARAGE PLUS AN ADDITIONAL 3
FEET- REQUESTING A SIDE YARD SETBACK OF 9’ INSTEAD OF THE REQUIRED
20’.**

Chairman McIntosh told the audience that only issues pertaining to the Variance will be heard.

Mr. Stewart would like to widen his garage. The foundation for the old garage is like chalk, that’s why it has to come down. He has an elderly mother and it would be easier to get her in and out of the car via the garage.

Chairman McIntosh asked if the applicant was going to extend 36” past the existing pad. The applicant said yes, towards the rear of the lot.

The applicant also stated that all his neighbors have been notified.

Member Kelly asked if the garage is going to be attached to the house. Mr. Stewart said yes, that it is going to be exactly the same, but he would like to use a lot more glass on the walls.

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. Stewart answered – No.

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

- Mr. Stewart answered – No.

3) Whether the requested Variance is substantial?

- Mr. Stewart answered - No

The applicant is seeking a 9' side yard variance instead of the required 20'.

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

- Mr. Stewart answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Stewart answered – Yes.

PUBLIC COMMENT

There were no comments from the Public.

BOARD DISCUSSION

Member Kelly said that the request is reasonable and it fits the neighborhood.

SEQR

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

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 garage will have little if any effect on the neighboring properties; it is not substantial because it is a 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 Kelly made a motion to allow an area variance for the real property located at 6520 Schepps Corners Road, Kirkville New York for an Area Variance for the purpose of re-building an existing garage plus an additional 3 feet 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 Uricuoli.

Based on the foregoing the Board voted to approve the Height Variance for a free standing garage in accordance with the exhibits submitted with no conditions:

Chairman McIntosh

aye

Member Kelly	aye
Member Uricuoli	aye
Member Ruthig	aye

The motion was carried unanimously.

PETER & MICHELLE DALY, 500 MCCLENNAN DRIVE FAYETTEVILLE, NY 13066
PUBLIC HEARING – AREA VARIANCE FOR A 18’X33’ IN-GROUND POOL
REQUESTING A REAR YARD SETBACK OF 10’ INSTEAD OF THE REQUIRED 20’.

Chairman McIntosh told the audience that only issues pertaining to the Variance will be heard.

Mr. Daly said that they would like to put in an in-ground pool. They are asking for the variance for the size of the pool because 1. It will help with water therapy for their daughter who is handicapped and a deep end for the older kids to safely jump in.

The applicant stated that the neighbors were notified.

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. Daly answered – No.

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

- Mr. Daly answered – No.

3) Whether the requested Variance is substantial?

- Mr. Daly answered - No

The applicant is seeking a 10’ rear yard setback instead of the required 20’.

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

- Mr. Daly answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Daly answered – Yes.

PUBLIC COMMENT

There were no comments from the Public.

BOARD DISCUSSION

Member Ruthig asked what is going to happen to the lot to the side of Mr. Daly. It is owned by someone out of state and he doesn't know what is going to happen to it. There is a water detention pond back there.

Member Urciuoli said that Mr. Daly's request is reasonable.

SEQR

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

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 in-ground pool will have little if any effect on the neighboring properties because it is of similar size and shape; it is not substantial because it fits within the existing lots of the neighborhood; but it will not have an adverse effect on environmental conditions in the neighborhood for the reasons stated above; and the variance is self-created, but the benefit to the applicant outweighs the detriment to the community.

Member Urciuoli made a motion to allow an area variance for the real property located at 500 McClennan Drive, Fayetteville New York for an Area Variance for the purpose of an 18'x33' in-ground swimming pool requesting a rear yard setback of 10' instead of the required 20'. The motion was seconded by Member Kelly.

Chairman McIntosh	aye
Member Kelly	aye
Member Urciuoli	aye
Member Ruthig	aye

The motion was carried unanimously.

CHRISTOPHER & SUSAN PIECZONKA, 8374 PRESTWICK DRIVE, MANLIUS NY 13104PUBLIC HEARING – AREA VARIANCE TO ENLARGE THE EXISTING GARAGE 141SQ FT- ADDING 654SQ FT OF LIVING SPACE ABOVE THE GARAGE- REQUESTING A 30'.6" FRONT YARD SETBACK INSTEAD OF THE REQUIRED 40'.

Chairman McIntosh told the audience that only issues pertaining to the Variance will be heard.

Mr. Pieczonka said that he is looking to add some room over his garage to home school the kids.

Bob Eggleston, the architect working on the project, although the house was built with a 3 car garage, it is very difficult to get a second car in the double bay due to a post and beam in the way. There is a mud room that encroaches on the 3rd bay making it difficult to park in that bay as well. Would like to add 5'8" to the garage to make it wider to fit another car.

The applicant stated that the neighbors were notified.

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. Pieczonka answered – No.

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

- Mr. Pieczonka answered – No.

3) Whether the requested Variance is substantial?

- Mr. Pieczonka answered - No

The applicant is seeking a 30'.6" front yard setback instead of the required 40'.

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

- Mr. Pieczonka answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Pieczonka answered – No.

PUBLIC COMMENT

There were no comments from the Public.

BOARD DISCUSSION

Member Uricuoli asked about the matching (siding, roofing). The applicant said that everything including the siding, roofing and sidewalk will match the existing house.

SEQR

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

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 garage will have little if any effect on the neighboring properties because it is of similar size and shape; it is not substantial because it fits within the existing lots of the neighborhood; but it will not have an adverse effect on environmental conditions in the neighborhood for the reasons stated above; and the variance is self-created, but the benefit to the applicant outweighs the detriment to the community.

Member Ruthig made a motion to allow an area variance for the real property located at 8374 Prestwick Drive, Manlius, New York for an Area Variance to enlarge the existing garage 141 sq ft- adding 654 sq ft of living space above the proposed garage requesting a front yard variance of 30.6' instead of the required 40', with materials to match the existing house. The motion was seconded by Member Uricuoli.

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

The motion was carried unanimously.

LISA GILELS, 218 CHURCHILL LANE FAYETTEVILLE, NY 13066 PUBLIC HEARING – AREA VARIANCE TO ADD A 2ND BAY TO THE ALREADY EXISTING GARAGE- REQUESTING A 9’ SIDE YARD SETBACK INSTEAD OF THE REQUIRED 20’ AND A 29.5’ FRONT YARD SETBACK INSTEAD OF THE REQUIRED 40’.

Chairman McIntosh told the audience that only issues pertaining to the Variance will be heard.

Tom Robertson represented Ms. Gilels who couldn’t be in attendance tonight.

The applicant would like to add a 2nd bay to the existing garage. They will match the existing cedar shingles. The neighbors were notified.

Member McIntosh asked Mr. Robertson if the project required fill. Mr. Robertson said yes.

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. Robertson answered – No.

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

- Mr. Robertson answered – No.

3) Whether the requested Variance is substantial?

- Mr. Robertson answered - No

The applicant is seeking a 9’ side yard setback instead of the required 20’ and a 29.5’ front yard setback instead of the required 40’.

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

- Mr. Robertson answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Robertson answered – No.

PUBLIC COMMENT

Richard Okun, 216 Churchill Lane, lives next door to the applicant. Mr. Okun handed a letter to the Zoning Board stating his reasons for the Board to deny the Area Variance. (*Letter on file in the Planning and Development Office*). Mr. Okun is worried that the trees on his property will have to come down.

Kathy Okun, 216 Churchill Lane, is worried about the trees being shaved up the side to accommodate the garage addition. There are only 2 homes within the block that have 2 car garages; the rest have one car garages. If this garage is built it will butt up to the master bedroom, which has a window, on my home. There is quite a bit of distance now between the existing garage at 218 Churchill and 216 Churchill, the evergreen trees also provide a nice amount of privacy and if you put a building that close and shave those trees, the privacy is gone.

Member McIntosh asked who the trees belong to. Mr. Okun said they belong to him, the resident before him planted them.

Mr. Robertson said that there is plenty of room to build without touching the trees and the pictures will verify that. The extension is not going to be living space so there will be no interruption to the living space next door.

BOARD DISCUSSION

Member Kelly asked why the addition is going out front and not to the rear of the existing garage. Mr. Robertson said he believes there is an incline down back. Member Kelly personally objects to the addition being out front; maybe it should go to the rear. What is the purpose of a 32' deep garage? Mr. Robertson said storage; Ms. Gilels wants more storage space.

Member Uricuoli asked if the "man" door on the front of the existing garage could be eliminated, therefore adding to the width of the garage. Mr. Robertson doesn't think that it will make a difference where the door is located.

Member Schepp asked Mr. Robertson if he thought that Ms. Gilels project was inline, behind or in front of the rest of the neighborhood. Mr. Robertson said that he thinks she is in line with the rest of the neighborhood.

Chairman McIntosh and member Kelly wished that the applicant could have been at the meeting to explain the project further and to give the board more details; they would also like to talk to the builder.

Member Ruthig said that the space was tight.

With the above discussion be taken into consideration, the Board decided to table the application until the June 20, 2013 meeting. The Board also asked the applicant to come up with an alternative method to this garage.

Member Uricuoli made a motion, seconded by Member Kelly to table the application to the next meeting, June 20, 2013

The motion was carried unanimously.

OTHER BUSINESS

Member Schepp apologized for being late and asked what happened with the first item on the Agenda, Harry Stewart, 6520 Schepps Corners Road.

Chairman McIntosh told Member Schepp that the application was approved.

Conversation ensued regarding the application from Harry Stewart.

ADJOURNMENT

With there being no other business, Member Kelly made a motion, seconded by Member Uricuoli, and carried unanimously, to end the meeting at 8:17pm.

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