

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
October 24, 2013**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on October 24, 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 Attorney	Lauren Seiter	

Also Present: Michael & Paula Lynch; Mark Willette; Gloria Wagner; Don Judge; Janice Ahlsen

The Pledge of Allegiance was recited.

Chairman McIntosh stated that because the Legal Notices for the Zoning Board Meeting on October 17, 2013 were not published the meeting is being held tonight.

MINUTES AND LEGAL NOTICES

Member Kelly made a motion, seconded by Member Ruthig to approve the minutes of September 15, 2013 and it was carried unanimously.

Chairman McIntosh stated that he has confirmed that the legal notice had been published for the application on the agenda. Member Kelly made a motion, seconded by Member Schepp to waive the reading of the publication for the items on the agenda and it was carried unanimously.

**MARK & KELLY WILLETTE, 131 CRYSLER DRIVE, E. SYRACUSE, NY 13057
CONTINUED PUBLIC HEARING - AREA VARIANCE - CONSTRUCT A DECK 6'X 16'
AND A 24'X 52" POOL REPLACEMENT - REQUESTING A 10' SIDE YARD SETBACK
INSTEAD OF THE REQUIRED 20' AND A REAR YARD SETBACK OF 20' INSTEAD OF
THE REQUIRED 40'**

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

With the 5 criteria questions asked at the August 15 Zoning Board Meeting, Chairman McIntosh asked if anyone in the Public had a comment regarding this variance.

PUBLIC COMMENT

Paula Lynch asked when the deck would be moved.

Mr. Willette said that he has an excavator coming over to move the deck as soon as possible, depending on the weather, of course.

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 pool and deck, as amended during the public hearings of the Zoning Board over the course of the last few months, will have little, if any, effect on the neighboring properties; it is substantial because the side yard will be set back 10 feet instead of the required 20, for a 10 foot variance, and the rear yard setback will be 20 feet instead of the required 40 feet for a 20' variance but it will not have an adverse effect on environmental conditions in the neighborhood; and the variance is self-created because the applicant wanted to replace his pool and deck, 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 131 Crysler Drive, East Syracuse, New York for an Area Variance for the purpose of constructing a 6' x 16' Deck and a 24'x52" Pool Replacement, requiring a side yard setback of 10 feet and a rear yard setback of 20'. The motion was seconded by Member Schepp.

Based on the foregoing the Board voted to approve the area variance for a 6' x 16' Deck and a 24'x52" Pool Replacement in accordance with the exhibits submitted with the following conditions: Project to be completed within 60 days.

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

The motion was carried unanimously.

DAVID & CLARA GRYCZKA, 7617 HUNT LANE, FAYETTEVILLE, NY 13066
PUBLIC HEARING – AREA VARIANCE-CONSTRUCT A 12'X12' SHED - REQUESTING
A SIDE YARD SETBACK OF 12' INSTEAD OF THE REQUIRED 20'.

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

Mr. Gryczka told the Board he wants to install a shed.

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. Gryczka answered – No.

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

- Mr. Gryczka answered – Yes.

3) Whether the requested Variance is substantial?

- Mr. Gryczka answered - Yes

The applicant is seeking a 12' side yard variance instead of the required 20', for a variance of 20'.

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

- Mr. Gryczka answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Gryczka answered – Yes.

BOARD DISCUSSION

Member Schepp stated that the survey was rather old asked about the 2 fences in the yard. Mr. Gryczka said that the chain link fence goes around the entire back yard and the stockade fence encloses the pool; it's a precautionary measure. The shed is going to go on the backside of the pool, outside of the fence.

Chairman McIntosh asked about the color of the shed. Mr. Gryczka said that the color will match the existing house.

PUBLIC COMMENT

There were no comments from the Public.

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 shed will have little if any effect on the neighboring properties; it is substantial because the side yard will be set back 12 feet instead of the required 20, for an 8 foot 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 Ruthig made a motion to allow an area variance for the real property located at 7617 Hunt Lane, Fayetteville, New York for an Area Variance for the purpose of constructing a 12' x 18' shed, requiring a side yard setback variance of 8 feet. The motion was seconded by Member Kelly.

Based on the foregoing the Board voted to approve the area variance for a 12'x18' shed in accordance with the exhibits submitted with the following conditions:

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

The motion was carried unanimously.

GLORIA WAGNER, 200 LEE TERRACE, E. SYRACUSE, NY 13057, PUBLIC HEARING AREA VARIANCE– CONSTRUCT A 18'X22' BEDROOM AND BATHROOM AND A 8'X12' COVERED ENTRY- REQUESTING A SIDE YARD SETBACK OF 8' INSTEAD OF THE REQUIRED 15'.

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

Ms. Wagner said that she would like to add on a bedroom and a bathroom to the existing house. The addition will be in line with the existing house. She also stated that she would like a covered entry because of the weather.

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?

- Ms. Wagner answered – No.

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

- Ms. Wagner answered – No.

3) Whether the requested Variance is substantial?

- Ms. Wagner answered - Yes

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

- Ms. Wagner answered – No.

5) Whether the alleged difficulty was self-created?

- Ms. Wagner answered – Yes.

PUBLIC COMMENT

There were no comments from the Public.

BOARD DISCUSSION

Member Kelly asked about a basement/crawlspace. The applicant said that there would be

neither.

Member Kelly asked about a timeframe to complete the project. Ms. Wagner said it would hopefully be framed and covered by December 1, 2013 to make sure it's weather-tight. Then, then applicant will have the entire winter to work on the inside. Member Kelly asked for a final completion date. Mrs. Wagner said probably the end of February 2014.

Member Schepp asked if the overhang was included in the variance. The applicant said yes, the Code Officer helped them map it out.

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 bedroom and covered entry will have little if any effect on the neighboring properties and will not be visible by the applicants' neighbors; it is substantial because the side yard will be set back 8 feet instead of the required 15, for a 7 foot 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 200 Lee Terrace, East Syracuse, New York for an Area Variance for the purpose of constructing an 18' x 22' Bedroom and Bathroom and an 8'x12' Covered Entry, requiring a side yard setback variance of 7 feet. The motion was seconded by Member Kelly.

Based on the foregoing the Board voted to approve the area variance for an 18' x 22' Bedroom and Bathroom and an 8'x12' Covered Entry in accordance with the exhibits submitted with the condition that the addition match the existing house and it be completed in 4 months.

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

The motion was carried unanimously.

JANICE AHLSEN, 4992 FAYETTEVILLE-MANLIUS ROAD, MANLIUS, NY 13104 **PUBLIC HEARING – AREA VARIANCE- CONSTRUCT A 12'X20' DECK- REQUESTING** **A SIDE YARD SETBACK OF 8' INSTEAD OF THE REQUIRED 20'.**

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

Ms. Ahlsen stated that she would like to build a deck on the rear of her house. It will not

extend past the existing perimeters of the house.

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?

- Ms. Ahlsen answered – No.

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

- Ms. Ahlsen answered – No.

3) Whether the requested Variance is substantial?

- Ms. Ahlsen answered - No

The applicant is seeking an 8' rear yard variance instead of the required 20'.

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

- Ms. Ahlsen answered – No.

5) Whether the alleged difficulty was self-created?

- Ms. Ahlsen answered – Yes.

PUBLIC COMMENT

There were no comments from the Public.

BOARD DISCUSSION

Member Urciuoli asked what the deck will be made out of. Ms. Ahlsen said pressure treated wood and stained.

Member Schepp asked about the timeframe for the project. Ms. Ahlsen said maybe 2 weeks.

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 deck will have little if any effect on the neighboring properties; it is substantial because the side yard will be set back 8 feet instead of the required 20, for a 12 foot 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 Urciuoli made a motion to allow an area variance to construct a 12'x20' deck at 4992 Fayetteville-Manlius Rd., Manlius, NY 13104, requiring a side yard setback of 8'

instead of the required 20'. The motion was seconded by Member Ruthig.

Based on the foregoing the Board voted to approve the area variance for a 12'x20' deck in accordance with the exhibits submitted with the condition that the Project to be completed within 30 days of commencement and with the materials listed above.

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

The motion was carried unanimously.

OTHER BUSINESS

ADJOURNMENT

With there being no other business, Member Schepp made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 7:37pm.

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