

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

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on November 24, 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	(Absent)
Member	Al Ruthig	
Secretary	Lisa Baleno	
Code Enforcement Officer	Michael Jones	
Town Attorney	Lauren Seiter	(Absent)

Also Present: Eric Riesterer, Bill O'Hern, Bill McDougal, Joanne McDougal, Steven & Victoria Farrington, Kim Jeffery.

The Pledge of Allegiance was recited.

MINUTES AND LEGAL NOTICES

Member Kelly made a motion, seconded by Member Ruthig to approve the minutes of October 24, 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 Ruthig to waive the reading of the publication for the items on the agenda and it was carried unanimously.

**ARTHUR EASTON, 6062 MINOA ROAD, KIRKVILLE, NEW YORK 13082
PUBLIC HEARING - AREA VARIANCE - CONSTRUCT A WHEELCHAIR RAMP-
REQUESTING A 12' SIDE YARD SETBACK INSTEAD OF THE REQUIRED 20' AND A
FRONT YARD SETBACK OF 18' INSTEAD OF THE REQUIRED 40'**

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

Eric Riesterer and Bill O'Hern were here from VNA Homecare Options representing the applicant.

Mr. Riesterer stated that he would like to build a wheelchair ramp for Mr. Easton. There is 51" rise from the driveway to the porch; will be using an 8 to 1 ratio. There is going to be 34' of ramp. From the porch there will be ramp to a 5x5 platform; then 10' of ramp to another platform; then 24' of ramp to the driveway.

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. Riesterer answered – No.

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

- Mr. Riesterer answered – No.

3) Whether the requested Variance is substantial?

- Mr. Riesterer answered - Yes

The applicant is seeking a 12' side yard variance instead of the required 20' and an 18' front yard setback instead of the required 40', for a variance of 8' and 22', respectively.

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

- Mr. Riesterer answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Riesterer answered – No.

Member Ruthig asked what the vertical drop was going to be. Mr. Riesterer said 51". Member Ruthig said that the standard is an inch a foot. Mr. Riesterer said that in the Town of Manlius you can go 8" if there is not room for the 1 foot.

Mr. O'Hern explained that Mr. Easton is in a motorized wheelchair.

Member Kelly asked about the construction. Mr. Riesterer said that he will probably put some kind of non-slip material on the ramp and it will be a treated wood. As far as the upkeep of the ramp, that is up to the resident and their family.

Code Enforcement Officer Jones said that the ramp is to code.

Chairman McIntosh asked if there was going to be a lip on the end of the ramp to the driveway. Mr. Riesterer said that he is going to take out the sloping grass and have the ramp level with the driveway.

Member Kelly asked if this was going to be a temporary structure. Mr. O'Hern said no it will be permanent; Mr. Easton has numerous medical issues.

PUBLIC COMMENT

There were no comments from the Public.

BOARD DISCUSSION

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 wheelchair ramp 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, and the front yard will be 18' instead of the required 40' for an 8 foot variance and a 22 foot variance, respectively; 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 6062 Minoa Road, Kirkville, New York for an Area Variance for the purpose of constructing a WHEELCHAIR RAMP- REQUESTING A 12' SIDE YARD SETBACK INSTEAD OF THE REQUIRED 20' AND A FRONT YARD SETBACK OF 18' INSTEAD OF THE REQUIRED 40' The motion was seconded by Member Kelly.

Based on the foregoing the Board voted to approve the area variance for a wheelchair ramp in accordance with the exhibits submitted with the following conditions:

Chairman McIntosh	aye
Member Ruthig	aye
Member Kelly	aye

The motion was carried unanimously.

STEVEN FARRINGTON, 99 SUNSET DRIVE, EAST SYRACUSE, NEW YORK 13057
PUBLIC HEARING – AREA VARIANCE-CONSTRUCT A 12'X20' CARPORT AND A
12'X14' & 10'x15' 2 LEVEL DECK - REQUESTING A SIDE YARD SETBACK OF 4'1/2"
AND 15' INSTEAD OF THE REQUIRED 20'.

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

Mr. Farrington stated that everything (carport and deck) was there when he bought the house. Mr. Farrington said it all started when he was out of town, he had friends come over to redo the bathroom. They threw everything on the front lawn. He got a call from his daughter saying that someone from the Town came by and looked at the mess.

Mrs. Farrington said the gentleman who came by about the debris in the front yard said that they were all set when he realized that the shed wasn't new. Then in December 2012, another person from the Town showed up and said that he just started working for the Town and there is an open file on this property.

CEO Jones asked what the open case was. Mrs. Farrington said it was because of the debris in the front yard called in by a neighbor but by the time the Code Officer came to see about the complaint, the debris had already been picked up. He sent them a letter about the shed and explained that he got a call about the debris. The Farrington's then explained that the shed wasn't new, it was just painted, the Code Officer looked at it and everything was good.

Member Kelly asked who this person was and what he did for the Town. Mike Jones said it was David Weber and he is the Compliance Officer for the Town.

CEO Jones asked why David Weber was there, for the Carport. Mrs. Farrington said he was there for the carport, a new roof and a deck. Mr. Weber said he was new and it was an open case.

CEO Jones said that he believed that there was a violation outstanding that was the carport. Mrs. Farrington said that they got a letter of violation in May of 2013 and until then nothing had been said to them about it.

Mr. Farrington said that his survey from 1990 actually shows the carport already on the house.

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

Member Ruthig asked what was necessary to close this open case. CEO Jones said that they need to get a permit for the carport.

Member Kelly asked if they received a new survey when they bought the house. The Farrington's said no the lawyer has all the paperwork. Member Ruthig said the new survey should be up to date, including the deck and carport. Mrs. Farrington did not bring the closing papers, i.e. the new survey.

CEO Jones said that they need to apply for the permits for the deck and carport so that they can be inspected. Mr. Farrington said that they already applied for the permits. Mr. Jones said that they would have to make corrections accordingly.

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

- Mr. Farrington answered – No.

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

- Mr. Farrington answered – No.

3) Whether the requested Variance is substantial?

- Mr. Farrington answered - Yes

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

- Mr. Farrington answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. Farrington answered – No.

BOARD DISCUSSION

Member Kelly would like it verified that the Farrington's purchased the home in this

condition.

PUBLIC COMMENT

There were no comments from the Public.

Member Kelly made a motion, seconded by Member Ruthig, to table the request until the meeting of December 19, 2013. The Board asked that the following be brought to the next meeting: the reason for the original open case and what the resolution should have been; the closing papers saying that these features (the deck and carport) were on the survey at the closing of the house.

WILLIAM MCDUGAL, 8412 EAST SENECA TURNPIKE, MANLIUS, NEW YORK 13104 PUBLIC HEARING AREA VARIANCE– CONSTRUCT A 40'X30' GARAGE WITH A HEIGHT OF 21'- REQUESTING A HEIGHT VARIANCE OF 21' INSTEAD OF THE REQUIRED 17'.

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

Mr. McDougal stated that he came to the Codes office to get his permit. A couple days later COE Mike Jones came out and says that there is a 17' Height restriction in the Town, I had already ordered the wood. They came down and spoke to Town Engineer Doug Miller and he said go ahead and finish the garage.

Mr. McDougal said that he didn't understand the difference between a garage and a barn. Mike stated that when you build a new house you usually attach the garage to the house, in this instance it's a detached garage. In CEO Jones' it was a barn Mr. McDougal wanted to build. There was no indication on the plans about the height.

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. McDougal answered – No.

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

- Mr. McDougal answered – No.

3) Whether the requested Variance is substantial?

- Mr. McDougal answered - Yes

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

- Mr. McDougal answered – No.

5) Whether the alleged difficulty was self-created?

- Mr. McDougal answered – No.

PUBLIC COMMENT

There were no comments from the Public.

BOARD DISCUSSION

Chairman McIntosh asked if the house was going to be two-stories or one. Mr. McDougal said one.

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 and will not be visible by the applicants' neighbors; it is substantial because the height variance will be 21' instead of the required 17', 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 8412 E. Seneca Turnpike, Manlius, New York for an Area Variance for the purpose of constructing a 40' x 30' Garage requiring a Height Variance of 21' instead of the required 17'. The motion was seconded by Member Ruthig.

Based on the foregoing the Board voted to approve the height variance for a 40' x 30' garage in accordance with the exhibits submitted with the condition that the addition match the soon to be built house.

Chairman McIntosh	aye
Member Ruthig	aye
Member Kelly	aye

The motion was carried unanimously.

OTHER BUSINESS

ADJOURNMENT

With there being no other business, Member Ruthig made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 7:36pm.

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