

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
April 21, 2016**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on September 17, 2016 in the Town Hall, 301 Brooklea Drive, Fayetteville, New York. Those present were:

Chairman	Henry McIntosh
Member	KP Kelly
Member	T.R. Schepp
Member	Al Ruthig
Member	Jim Campbell
Secretary	Deborah Witzel
Code Enforcement Officer	Michael Jones

Also Present: Nicole Leggett, Brad Schultes, David Zellar

The Pledge of Allegiance was recited.

Minutes and Legal Notices

Member Kelly made a motion, seconded by Member Schepp to approve the minutes of March 17, 2016, and it was carried unanimously.

Chairman McIntosh stated that he has confirmed that the legal notice's had been published for the applications on the agenda. Member Schepp made a motion, seconded by Member Campbell to waive the reading of the legal notices, and it was carried unanimously.

Garrett Bilow, 6789 Fremont Rd. E. Syracuse (Tax Map # 044.-01-08.1) applying for a variance for road frontage requesting 129.73 (97'.29" + 32'.44") instead of the required 200' per chapter 155-12-1A.

Mr. Schultes is here representing Mr. Bilow

Chairman McIntosh asked if the neighbors had been notified. Mr. Schultes answered – yes

Chairman McIntosh asked if the variance is for road frontage of 129.73. Mr. Schultes answered - yes

Mr. Schultes stated that Mr. Bilow will be building a one story, single family house about 400 feet off the road.

Chairman McIntosh proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Schultes stated - no

- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Schultes stated - no
- 3) Whether the requested Variance is substantial? Mr. Schultes stated - no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Schultes stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Schultes stated - yes

Board Questions

Member Campbell asked what the time table is for the project to be completed. Mr. Schultes answered hopefully by September. Mr. Schultes stated that first Mr. Bilow will need to get about 5000 yards of fill in to get it up above the base elevation.

Member Kelly asked how Mr. Schultes came to represent the owner Mr. Bilow. Mr. Schultes answered they are friends.

Chairman McIntosh opened the public hearing. There being no comments from the public Chairman McIntosh closed the public hearing.

Board Comments

Member Schepp stated he does not see the project as a detriment and the plan is in line with the character of the area. Member Schepp has no problem with the project.

Member Kelly stated the project will not change the character of the neighborhood. Member Kelly liked the fact that they are building a single family home on 28 acres as opposed to developing the land with commercial space . Member Kelly is okay with the project.

SEQRA Review:

Chairman McIntosh determined the proposed project and action contemplated comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action:

Member Schepp made a motion to grant the Variance to Garrett Bilow, 6789 Fremont Rd. allowing for road frontage of 129.73 feet instead of the required 200', seconded by Member Campbell

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye
Member Campbell	aye
Member Ruthig	aye

The motion was carried.

Zellar Homes Ltd., 5090 Reis Circle, Fayetteville (093.-04-09.0) applying for a variance for a front yard setback requesting 32' instead of the required 40' per chapter 155-7-B. Also applying for lot area, requesting 29,237 square feet instead of the required 40,000 square feet per chapter 155-7-A-1.

Chairman McIntosh opened the public hearing

Mr. Zellar stated we are building a single family home on the last lot in the subdivision. Mr. Zellar explained that the zoning has changed since the subdivision was approved and would like to conform to the current zoning.

Chairman McIntosh proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Zellar stated - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Zellar stated - no
- 3) Whether the requested Variance is substantial? Mr. Zellar stated - no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Zellar stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Zellar stated - no

Board Questions:

Member Kelly asked if the lot had been subdivided. Mr. Zellar answered no it is the original building lot approved by the planning board 10 years ago. Member Kelly asked how far back the lot goes. Mr. Zellar stated his land includes the berm and a little beyond. Member Kelly asked if Mr. Zellar new the setback on the house across the street. Mr. Zellar responded that it is 30 feet.

Chairman McIntosh closed the public hearing

Board Discussion

Member Kelly stated he has no negative comments and asked if the house will be a single story. Mr. Zellar answered – yes.

Chairman McIntosh determined the proposed project and action contemplated comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action:

Member Kelly made a motion to grant the area variance to Mr. Zellar, 5090 Reis Circle, Fayetteville for the construction of a new home with a front yard setback of 32' instead of the required 40', seconded by Member Ruthig.

The Board voted as follows:

Chairman McIntosh aye

Member Kelly	aye
Member Campbell	aye
Member Ruthig	aye

The motion was carried.

Member Ruthig made a motion to grant the area variance for 5090 Reis Circle, Fayetteville for the purpose of building a single story house on a lot that is 29,237 square feet instead of the required 40,000 square feet, seconded by Member Campbell

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye
Member Campbell	aye
Member Ruthig	aye

The motion was carried.

Chairman McIntosh asked if the neighbors had been notified. Mr. Zellar answered – yes

SEQRA Review:

Chairman McIntosh determined the proposed project and action contemplated comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Chairman McIntosh announced that the 3rd item on the agenda – Shining Stars Daycare, John & Stella Penizotto, 4589 & 4595 Enders Rd. has been postponed until the May 19, 2016 meeting.

Adjournment

With there being no other business, Member Kelly made a motion, seconded by Member Schepp, and carried unanimously, to end the meeting at 7:25pm.

Respectfully submitted,
Deborah Witzel
ZBA Clerk