

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
June 16, 2016**

The Town of Manlius Zoning Board of Appeals met in the Manlius Town Hall, 301 Brooklea Dr. Fayetteville NY at 7:00 PM with Chairman Henry McIntosh presiding and the following Members were present:

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

Also Present: Carol Mattheis, Tracie Smith, Roger Forehand, Betty Massey, Richard Sparrow, Matt Napierala, Mary Deeb, Kathleen Deeb, Anne Deeb, Mildred Sitnik.

The Pledge of Allegiance was recited.

Minutes

The Board tabled approval of the minutes for May 19, 2016 until the July 21, 2016 meeting.

Legal Notices

Member Schepp made a motion, seconded by Member Kelly to waive the reading of the legal notices on the agenda tonight.

Napierala Consulting, Resort Lifestyle, Medical Center Dr. (Tax Map # 086.-01-03.6) – for sign face, requesting 25 square foot sign instead of the 16 square feet required per section 155-25-D-2-A

Matt Napierala representing Resort Lifestyle, Mr. Napierala gave a brief history of the Resort Lifestyle project. Mr. Napierala stated they are requesting a 25 square feet sign to be held in a monument structure. The sign will match the existing Medical Center sign that is on Medical Center Dr.

Chairman McIntosh confirmed that the neighbors had been notified.

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

5) Whether the alleged difficulty was self-created? Mr. Napierala stated - yes

Public Comment:

Chairman McIntosh opened the public hearing at 7:08PM and asked if any members of the public wanted to speak.

Board Questions/Discussion

Member Schepp asked if the sign would be parallel to the medical center sign. Mr. Napierala answered yes. Member Schepp asked if the sign will block the sight line for drivers. Mr. Napierala answered this was a concern and they had so they checked with the Town Engineer, Doug Miller, the Town Highway Superintendent Rob Cushing and the Fire Chief and all approved the location of the sign. Member Schepp asked how far off the gutter will the sign be. Mr. Napierala answered at least 2 car lengths.

Chairman McIntosh asked if the sign would be lit up. Mr. Napierala answered yes from the ground up with flood lamps and they will not be very bright.

Member Kelly asked why such a large sign is needed. Mr. Napierala answered this is the same sign that all their buildings have. Member Kelly asked if the land above Resorts Lifestyle on Medical Center Dr. is going to be developed. Mr. Napierala answered he was not aware of any plans.

There being no response the public hearing session was closed at 7:22PM.

The board members stated they did not have any issues with the sign variance.

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 application of Resort Lifestyle, Medical Center Dr. (Tax Map # 086.-01-03.6) – for sign face, of 25 square foot sign instead of the 16 square feet required, motion was 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.

Tracie Smith, 7042 Pencee Lane, East Syracuse (Tax Map # 061.-04-2.0) – for a 24' X 52' above ground pool, requesting a rear yard setback of 22' instead of the required 40' per chapter 155-7-B

Ms. Smith stated the dimensions of the pool are wrong it should be 24' around and 52" high and is requesting a rear yard setback of 22' instead of the required 40'.

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

Member Schepp asked if Ms. Smith had notified her neighbors. Ms. Smith answered yes that she hand delivered the notices and spoke to them.

Member Kelly voiced concern that the person purchasing the pool is not the land owner. Ms. Smith explained that her father owns the property and she and her kids live with him. Member Schepp stated that the variance runs with the land and Ms. Smith is just here representing her father.

Public Comment:

Chairman McIntosh opened the public hearing at 7:08PM and asked if any members of the public wanted to speak. With no one in the public wishing to speak Chairman McIntosh closed the public hearing at 7:29PM.

Board Questions/Discussion

Member Schepp stated he sees no reason to deny the variance as the pool is in character with the neighborhood.

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 variance to Tracie Smith & Roger Forehand, 7042 Pencee Lane, E. Syracuse for an 24’ round above ground pool granting the rear yard setback of 22’ instead of the required 40’, motion was seconded by Member Schepp

The Board voted as follows:

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

The motion was carried.

Sam & Kathleen Deeb, 7357 Spring Mountain Dr. East Syracuse (Tax Map # 077.-07-18) – for a 12’ X 14’ shed, requesting a side yard setback of 5’ instead of the required 15’ per chapter 155-9-B

Mrs. Deeb stated they had requested a variance in 2005 for their pool because they didn't want the pool in the center of the yard so they would have more yard space. Mrs. Deeb is now request a variance for a 12' X 14' shed, and they would like to remove a section of the fence and put the shed in its place. Mrs. Deeb stated that currently the property line to the neighbor to the east is 10' out and they will place the shed so that 4' of the shed will be outside of the fence. This will put the shed 6' off the property line

Chairman McIntosh asked if Mrs. Deeb had notified her neighbors. Mrs. Deeb answered yes

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

Mrs. Deeb explained that by having part of the shed outside the fence it would leave more yard space and allow access to the shed doors on the back. Mrs. Deeb stated the shed will be vinyl and cream colored to match the fence and sit on a gravel base. Mrs. Deeb presented pictures showing other sheds in the neighborhood. Mrs. Deeb stated that several years ago there was a drainage issue at Erie Village that resulted in water in the easement which has since been dug out to correct the problem.

Member Ruthig asked how often there is water in the drainage easement. Mrs. Deeb answered she has not seen standing water in years.

Public Comment:

Chairman McIntosh opened the public hearing at 7:40PM and asked if any members of the public wanted to speak.

Carol Mattheis a neighbor stated she believes the proposed shed is too big for the lot. She also stated she does not want to look at the back of a shed sticking out of the fence with a stone foundation beyond the shed base. Ms. Mattheis had the town come and look at the easement and they have no problem with it. Ms. Mattheis is concerned that a shed sticking out of the fence and in the easement will hurt the resale value of her house.

Code Officer Jones stated that you cannot build in a drainage easement.

Mrs. Deeb stated there will not be a ramp to the shed.

Discussion ensued about the size of the easement and relocating the shed.

Member Ruthig asked if the shed will have electricity. Mrs. Deeb answered no

Richard Sparrow president of the Erie Village Homeowners Association stated they are concerned about the placement of the shed. After reviewing the pictures of the placement he stated they are okay with the project.

Code Office Jones stated he would have to check to see what the actual size of the easement is.

Mrs. Deeb Stated her fence is 10' from the property line.

Member Schepp stated the board can grant a 10' variance tonight or table the request to research the easement. Mrs. Deeb asked if she changes to the 10' variance can she still have the shed doors open from the fence line. Member Schepp answered yes as long as the structure is 10' off the property line.

Mrs. Deeb agreed to change the side yard setback to 10' instead of the 5' she had requested.

Carol Mattheis asked what the decision means. Chairman McIntosh explained that the shed can not go past the fence and the drainage easement will not be compromised.

With no further comments from the public Chairman McIntosh closed the public hearing at 7:58PM.

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 Ruthig made a motion to grant Sam & Kathleen Deeb of 7357 Spring Mountain Dr. East Syracuse an area variance to construct a 12' X 14' shed allowing a 10' side yard setback instead of the required 15', the motion was seconded by Member Campbell.

Adjournment

With there being no other business, Member Kelly made a motion, seconded by Member Campbell, and carried unanimously, to end the meeting at 8:03PMpm.

Respectfully submitted,
Deborah Witzel, Secretary
Town of Manlius Zoning Board of Appeals