

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
September 15, 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 Acting Chairman Al Ruthig presiding and the following Members were present:

Absent	Chairman	Henry McIntosh
	Acting Chairman	Al Ruthig
	Member	KP Kelly
	Member	T.R. Schepp
	Member	Jim Campbell
	Secretary	Deborah Witzel
	Code Enforcement Officer	Michael Jones
	Town Attorney	Tim Frateschi

Also Present: Kurt & Maria Honis, Greg Sgromo, Vicky Richardson, Chris Iven, Karen Trush, Lauren Marraffa, Bruce Poushter

The Pledge of Allegiance was recited.

Minutes

Member Kelly made a motion, seconded by Member Campbell to approve the minutes of August 18, 2016, and it was carried unanimously.

Legal Notices

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

**Kurt Honis, 3B Corner of Glen Eagle Dr. & Barksdale Dr. Manlius (Tax Map # 115.-04-1.2)
Continued Public Hearing- Area Variance for road frontage requesting 96'.85 instead of the
required 150'**

Acting Chairman Ruthig stated he will continue the public hearing for the variance request for road frontage on the corner of Glen Eagle Dr. & Barksdale Dr.

Greg Sgromo from Dunn & Sgromo Engineers explained that Mr. Honis is here requesting a variance for road frontage for an existing lot on the corner of Glen Eagle Dr. & Barksdale Dr. referenced as lot 3B. Road frontage for Lot 3A at the end of Sugarland Dr. was approved at the August 18, 2016 ZBA meeting. The plan is to subdivide these lots to make 2 conforming lots to build on. Mr. Sgromo was there to address the boards concerns about the drainage for lot 3B. The FEMA maps that were used for the prior application for 5 lots showed a much smaller flood area than do the current FEMA maps. The culvert that is being proposed for lot 3B will be an opening of 16' at the bottom and about 3.5' at the top with a concrete foundation and will handle a 100 year flood. If the culvert gets backed up the water will then be directed back around into the creek so it will not flood adjacent lots.

Attorney Frateschi asked Member Schepp if he still had concerns regarding the box culvert and the culvert over the creek and how that would impact flooding. Mr. Sgromo at the request of Attorney Frateschi gave an understanding of how the water would flow. Member Schepp using one of the 5 criteria questions (if the request can be achieved by some other method) asked Mr. Honis if he could use one driveway instead of two as he had shown in a prior application for 5 lots with a culvert at the end of Sugarland. Mr. Honis explained he withdrew the 5 lot plan because of the cost to the future homeowners for maintenance of the stream. Mr. Honis stated that driveway would be about 1000 feet long. Member Schepp asked if there was a way to not have to have the road frontage at the corner of Glen Eagle Dr. and Barksdale Dr. Mr. Honis stated the prior plan with the 5 lots would be his first choice but there were too many legal restrictions. The Town wanted the development to have an HOA to maintain the stream and be responsible for everything that came down stream. So, from a practical standpoint, he cannot do the 5 lot subdivision and instead is proposing the 2 lot subdivision.

Acting Chairman Ruthig reviewed the responses to the 5 criteria questions from the August 18, 2016 meeting.

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

Bruce Poushter attorney for Mr. Honis, explained that the 8 lot plan had been turned down and the 5 lot plan had been withdrawn because he felt the Planning Board would turn the request down. Attorney Poushter stated it was decided to come back with the 2 lot plan.

Member Schepp reiterated that the Town of Manlius Planning Board had requested that Mr. Honis have an HOA for the 5 houses and that the homeowners would be responsible for the culverts and the stream.

Attorney Frateschi stated that it is not unusual in the Town of Manlius that the developer is responsible for the drainage facilities and the SWPPP requirements.

Mr. Honis stated that if the Town wanted to talk and explore other options they could do that but right now he would like to move forward with the requested variance for road frontage.

With no further comments from the public Acting Chairman Ruthig closed the public hearing at 7:26PM.

Board Discussion

Member Kelly stated he has no comments.

Member Campbell stated he had reviewed the information from FEMA and the Army Corp of Engineers and feels the property would be improved by their plan. The variance being requested is significant benefit to the applicant and the determinant to the community would be small, based on the information provided by the applicant.

Member Schepp stated he was hoping to come to an arrangement that would improve the area for everybody but there is no desire for that. The explanation by the engineer regarding the diversion of water around the culvert onto the applicant's property satisfied his concern regarding the environmental impacts.

SEQRA Review

Acting Chairman Ruthig 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 Kurt Honis an area variance for road frontage of 96.85' at the corner of Glen Eagle Dr. & Barksdale Dr. instead of the required 150' to be developed according to plans that were described at the ZBA meetings for the reasons set forth above, motion was seconded by Member Kelly.

The Board voted as follows:

Acting Chairman Ruthig	aye
Member Kelly	aye
Member Campbell	aye
Member Ruthig	aye
Member Schepp	aye

The motion was carried.

Chris Iven -YMCA, 4795 Sweet Rd.(Camp Iroquois), Manlius NY Public Hearing– Area Variance – for a sign requesting 9' tall instead of the required 6' and requesting 30 square feet instead of the required 16 square feet.

Chris Iven, Executive Director of the East Area YMCA which includes the Manlius YMCA, Fayetteville YMCA and Camp Iroquois. Camp Iroquois has been located on Sweet Rd, Manlius since 1933 and the sign may be as old as the camp. Mr. Iven stated the YMCA would like to replace the sign that is hand painted on wood and would like to replace the sign with something that looks good and will fit the characteristic of the area.

Acting Chairman Ruthig 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. Iven stated - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Iven stated - no
- 3) Whether the requested Variance is substantial? Mr. Iven stated – no

- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Iven stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Iven stated - no

Board Questions

Member Schepp asked if the sign would be out of the line of sight for cars exiting the camp. Mr. Iven answered yes. Member Schepp asked if the sign will be illuminated. Mr. Iven answered no. Mr. Iven did state that they might move the fence behind the sign so the sign is more visible.

Attorney Frateschi asked if the sign will be taller than the existing sign. Mr. Iven stated the new sign will be on a little different plain so the height will be about the same.

Member Kelly asked about the existing sign which is 7' tall and the new sign that will be 9' asking if it would be possible to lower the new sign. Mr. Iven explained that the road is higher than the land by about 2' where the sign will be placed and the old sign sat on higher ground. So the new sign will end up being at about the same height as the old sign. Member Kelly asked how the new sign would sit differently from the old sign. Mr. Iven answered the existing sign is parallel to the road and the new sign will be perpendicular to the road and will be two sided.

Acting Chairman Ruthig opened the public hearing at 7:32PM

Acting Chairman Ruthig closed the public hearing at 7:33PM

Board Discussion

Member Schepp believes the sign will clean up the appearance and make it safer for people trying to locate the camp.

Member Campbell feels it will be an improvement.

Member Kelly is okay with the new sign but he did like the antique value of the old sign.

Board Action

Member Campbell made a motion that the YMCA Camp Iroquois, 4795 Sweet Rd. Manlius be granted an area variance for a sign 9' tall instead of the required 6' and 30 square feet instead of the required 16 square feet, the motion was seconded by Member Schepp

The Board voted as follows:

Acting Chairman Ruthig	aye
Member Kelly	aye
Member Campbell	aye
Member Schepp	aye

The motion was carried.

Vicky Richardson

Acting Chairman Ruthig opened the public hearing at 7:36PM. Acting Chairman Ruthig asked Ms. Richardson if she had notified her neighbors. Ms. Richardson answered yes.

Vicky Richardson stated she would like to install an inground pool for recreation purposes and she is asking for a 10' variance.

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

Member Schepp asked if her neighbors had been notified. Ms. Richardson answered yes. Member Schepp asked if any neighbors objected to the pool. Ms. Richardson answered no.

Code Office Jones asked about the power lines that cross over the yard. Ms. Richardson stated they just need to be 10' from the pool and that is why they are requesting a 10' variance. Ms. Richardson stated that maybe next year they will have the power lines buried.

Acting Chairman Ruthig closed the public hearing at 7:39PM

Board Discussion

Member Kelly has no problem with the pool

Member Campbell is fine with the pool

SEQRA Review

Acting Chairman Ruthig 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 Vicky Richardson, 5215 Duane Dr. Fayetteville NY an area variance of a 10' side yard setback for the construction of an inground pool instead of the required 20', the motion was seconded by Member Campbell

Attorney Frateschi asked Ms. Richardson if she would be willing to rescind the variance that was granted in July. Ms. Richardson did agree to rescind the area variance that was issued to her at the July 21, 2016 ZBA meeting.

The Board voted as follows:

Acting Chairman Ruthig	aye
Member Kelly	aye
Member Campbell	aye

Member Schepp aye

The motion was carried.

Karen Trush, 100 Hadden Lane, E. Syracuse NY Public Hearing – Area Variance – to construct a deck on the front of the house asking for a variance of 5’, for a side yard setback of 10’ instead of the required 15’, asking for an area variance of 1’, for a front yard setback of 29’ instead of the required 30’

Acting Chairman Ruthig opened the public hearing at 7:43PM and asked Ms. Trush to explain what kind of variance she is seeking and for what use.

Ms. Trush explained that the steps on the front porch are coming apart and she would like to build a deck to replace the porch. The deck will be made of a composite and to go length of the front of the house and it will be 7’ wide and 31’ long.

Member Schepp asked if the deck would be any wider than the house. Ms. Trush answered no it will be a little less than the house. Member Schepp asked if that meant that the house would be closer to the side line than the deck. Ms. Trush answered yes.

Acting Chairman Ruthig asked if Ms. Trush had notified her neighbors. Ms. Trush answered yes.

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

Board Question

Member Schepp asked what the foundation will be on the deck. Mr. Trush stated that they would be pulling footers in. Member Schepp confirmed that the house will be closer to the side line than the porch and the deck will be 2’ closer to the front line. Mr. Trush it will be one foot closer because they were steps there. Mr. Trush stated that the original steps were made of brick inlay and construction timbers and the timbers rotted. Member Schepp confirmed that there will not be any kind of poured concrete foundation it will just be footers. Ms. Trush answered yes. Member Schepp asked if all the neighbors were happy about the deck. Ms. Trush answered yes.

Member Kelly asked if they planned on putting a roof on the deck. Ms. Trush answered no. Member Kelly asked where the steps would be located. Ms. Trush answered off the side to the driveway. Member Kelly asked there would be any lights on the deck. Mr. Trush answered maybe later they will put lights on the house.

With no further comments from the public Acting Chairman Ruthig closed the public hearing at 7:48PM.

Board Discussion

Member Kelly stated the plan fits with the neighborhood.

Member Campbell and Member Schepp both agreed the deck would be an improvement.

SEQRA Review

Acting Chairman Ruthig 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 Karen Trush, 100 Hadden Lane, East Syracuse to construct a deck with a side yard variance of 10' instead of the required 15' and a front yard setback of 29' instead of the required 30', the motion was seconded by Member Campbell.

The Board voted as follows:

Acting Chairman Ruthig	aye
Member Kelly	aye
Member Campbell	aye
Member Ruthig	aye
Member Schepp	aye

The motion was carried.

John Marraffa, 3 Thornwood Lane, Fayetteville NY Public Hearing – Area Variance – to install a 20' X 40' inground pool, requesting a front yard setback of 22' instead of the required 40'

Loran Marraffa stated there are 3 reasons why they picked the location in the yard for the pool.

1. This is where they have the most area in the yard because of the way the house sits on the lot.
2. Putting the pool in the chosen location would allow them to have additional fencing to include a gate, lock and alarm.
3. The septic system is located behind the house.

Acting Chairman Ruthig opened the public hearing at 7:50PM and asked if any members of the public wanted to speak.

Acting Chairman Ruthig 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. Marraffa stated - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? stated – Ms. Marraffa stated - no
- 3) Whether the requested Variance is substantial? Ms. Marraffa stated - yes

- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Ms. Marraffa stated - no
- 5) Whether the alleged difficulty was self-created? Ms. Marraffa stated – yes

Board Questions

Member Schepp asked if the applicant's neighbors had been notified and they are content with the plan. Ms. Marraffa answered yes

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

Board Discussion

Member Campbell stated the plan makes sense.

Attorney Frateschi explained that the variance is for a front yard setback because the house is on a corner lot.

SEQRA Review

Acting Chairman Ruthig 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 Campbell made a motion to grant John Marraffa, 3 Thornwood Lane, Fayetteville be granted an area variance to install a 20' X 40' inground pool requesting a front yard setback of 22' instead of the required 40', the motion was seconded by Member Schepp.

The Board voted as follows:

Acting Chairman Ruthig	aye
Member Kelly	aye
Member Campbell	aye
Member Ruthig	aye
Member Schepp	aye

The motion was carried.

Adjournment

With there being no other business, Member Schepp made a motion, seconded by Member Campbell, and carried unanimously, to end the meeting at 8:02PM.

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