

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
October 20, 2016**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on October 20, 2016 in the Town Hall, 301 Brooklea Dr. Fayetteville New York. The following Board members present:

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: Dan King, Nancy Conrad, Charlie Breuer, Kathleen & David Powell

The Pledge of Allegiance was recited

Minutes and Legal Notices

Chairman McIntosh asked if the board members had reviewed the minutes of the September 15, 2016 meeting and if all members approved of the minutes.

The Board voted as follows:

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

The motion was carried.

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

Charles Breuer – 5089 Reis Circle, Fayetteville NY

Public Hearing – Area Variance – for an inground pool requesting an area variance of 19’, for a rear yard setback of 21’ instead of the required 40’

Chairman McIntosh opened the public hearing at 7:05 pm.

Mr. Breuer stated he was there because he wants to install an inground pool. He stated that because of the depth of his yard a variance would be needed no matter where he put the pool. His

request is to put the pool within 21' of the rear property line instead of the 40' required under the Code.

Chairman McIntosh stated for the board members that he had received proof that the neighbors were 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. Breuer stated - no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Breuer stated - no
- 3) Whether the requested Variance is substantial? Mr. Breuer stated – yes
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Breuer stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Breuer stated - no

Board Questions

Member Kelly asked if they could move the pool closer to the house. Mr. Breuer answered that he would like to leave space between the deck and the pool for the dogs to run.

Member Schepp asked if Mr. Breuer had notified his neighbor and if they are okay with the project. Mr. Breuer answered yes to both questions.

Chairman McIntosh closed the public hearing at 7:08 pm.

Board Discussion

Member Ruthig stated he is fine with the project.

Member Schepp stated he believes the plan is in line with the character of the neighborhood. It does not appear to have any adverse effects to the environmental or any other concerns. Member Schepp stated he is okay with the project.

Member Kelly stated he has no problem with the variance.

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 Ruthig made a motion to grant an rear yard variance of 19' to Charles Breuer, 5089 Reis Circle, Fayetteville NY, for the purpose of installing an inground pool with a rear yard setback of 21' instead of the required 40', the motion was seconded by Member Campbell.

The Board voted as follows:

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

The motion was carried.

Kathleen Powell – 6582 N. Manlius Rd., Kirkville NY

Public Hearing – Area Variance – for a 24’X 28’ garage requesting an area variance of 20’, for a rear yard setback of 20’ instead of the required 40’

Chairman McIntosh opened the public hearing at 7:10 pm.

Chairman McIntosh asked Ms. Powell if the neighbors had been notified. Ms. Powell answered yes

Mr. Powell stated they would like to build a pole barn and because of the odd shape of the yard and the location of the septic system the pole barn cannot meet the 40’ rear yard setback requirement. He is requesting a 20’ variance from the rear line to place the pole barn in the most logical space.

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. Powell stated – yes the barn could be brought forward but then it would be on the septic system, which is not feasible
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Powell stated – no, the barn will be made to match the house with vinyl siding and shingled roof.
- 3) Whether the requested Variance is substantial? Mr. Powell stated – no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Powell stated - no
- 5) Whether the alleged difficulty was self-created? Mr. Powell stated - no

Board Questions

Member Schepp asked if the garage/barn door would open towards the house and over the septic system. Mr. Powell answered that they will not be driving in and out every day it will be for storage and the door will be about 10’ from the septic. Member Schepp asked if they had thought about putting the door on the side of the garage/barn. Mr. Powell answered that they had not. Member Schepp asked if they had notified their neighbors about the project. Ms. Powell answered yes.

Member Kelly asked if there would be a concrete floor. Mr. Powell answered no but maybe they will put one in later. Member Kelly asked what the height of the garage/barn would be. Mr. Powell answered that the garage/barn would be under 17’.

Chairman McIntosh opened the public hearing at 7:18 pm. Chairman McIntosh read aloud a letter from a neighbor Diane Popek in which she stated she is in support of the garage/barn.

There being no further comment from the public, Chairman McIntosh closed the public hearing at 7:19 pm.

Board Discussion

Member Kelly stated that if the neighbors don’t have any concerns, then he is okay with the request.

Member Campbell stated that the garage/barn will hardly be seen from the street and shouldn’t present a problem.

Member Kelly asked if the garage/barn would have windows. Mr. Powell answered yes there will be a couple of windows and a door.

Chairman McIntosh stated that the garage/barn would not have any adverse effect to the environment and he is fine with the variance.

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 Kathleen Powell, 6582 N. Manlius Rd. Kirkville a rear yard variance of 20’ instead to build a 24’ X 28’ garage, the motion was seconded by Member Kelly

The Board voted as follows:

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

The motion was carried.

Dan King – 7330 Barberry Lane, Manlius NY

Public Hearing – Area Variance – for a new house requesting an area variance of 7,217 +/- square feet, for lot coverage of 92,783 square feet instead of the required 100,000 square feet.

Chairman McIntosh stated for the board members that he had received proof that the neighbors were notified.

Mr. King stated that he would like to build a single-family resident's for his family.

Chairman McIntosh asked if there had been a house on this lot before. Mr. King answered yes, and he understands the home burned down.

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

Board Questions

Member Kelly asked for a description of the planned house. Mr. King answered that he is planning to build a 2-story colonial with a front porch with pillars, 4 bedrooms, 3 bathrooms and a 3-car garage.

Member Schepp asked if they would be using a septic system. Mr. King answered yes and gave the board a copy of the approval from the County Health Department. Member Schepp asked if the approval from the County Health Department is based on the requested lot coverage. Mr. King answered yes. Member Schepp asked if the neighbors are okay with the plan. Mr. King answered yes. Member Schepp asked if the new house would be the same size as the prior house. Mr. Kings Architect Mr. Fay stated they do not know the size of the prior house but the footprint will be pretty much the same.

Chairman McIntosh opened the public hearing at 7:28 pm. Chairman McIntosh read allow a letter from Michael Paul Ringwood a neighbor and he is in support of the project.

Chairman McIntosh closed the public hearing at 7:29 pm.

Board Discussion

Member Kelly stated that the house would be a nice addition to the neighborhood and he has no problem with the plan.

Member Schepp stated the project is keeping with the character of the neighborhood and the County Health Department has approved the septic based on the square footage he has no problem 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 Campbell, made a motion to grant to Dan King, 7330 Barberry Lane, Manlius an area variance of 7,217 square feet, for lot coverage of 92,783 square feet instead of the required 100,000 square feet for the purpose of building a new house, the motion was seconded by Member Schepp

The Board voted as follows:

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

The motion was carried

Nancy Conrad – 8131 Kirkville Rd, Kirkville NY

Public Hearing – Area Variance – for a 24’ X 32’ Barn requesting an area variance of 35’, for a rear yard setback of 5’ instead of the required 40’. Requesting an area variance of 7’ for a side yard setback of 13’ instead of the required 20’

Chairman McIntosh opened the public hearing at 7:30 pm.

Ms. Conrad stated that she would like to build 24’ X 32” a barn on her property for storage.

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

Board Questions

Member Kelly stated that it looked like the barn is about 3' from the property line of Lot A.

Member Schepp stated that Lot A is too close to the proposed barn. Ms. Conrad explained that both Lot A & B are owned by her so she didn't think the lot line would matter. Member Schepp explained that she would need to do a subdivision of land to join the two lots together. Member Schepp explained that if lot A were to be sold at some time, then the barn would be 3' from the property line and the board cannot allow that. Ms. Conrad stated that she had no intention of selling Lot A. Member Schepp explained that the board cannot be sure the lot will not be sold. Member Schepp suggested that the two lots be merged to remove the boards concern, you would need to do a subdivision of land.

Mr. Conrad asked if the board could give them 2 to 3 years to complete the subdivision process and approve the requested variance tonight.

Code Officer Jones stated if he issues a building permit with the Zoning Boards variance and it is contingent on completing a division of land within 10 months. If the division of land is not completed the final inspection will be withheld and it could end up in court.

Member Kelly asked if there was any other option for storage for this winter until they could get a subdivision completed. Mr. Conrad stated that it would cost about \$400 a month for storage and they could not afford that.

Board Discussion

Member Schepp asked the board members, if the board approves the variance with the condition that the subdivision be completed by August 20, 2017.

Member Kelly asked how tall the barn will be. Ms. Conrad answered it will be single story and matching the house with a metal roof and the same color as the house.

Chairman McIntosh closed the public hearing at 7:50 pm

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 a variance of 35', for a rear yard setback of 5' instead of the required 40', and a variance of 7' for a side yard setback of 13' instead of the required 20'. With this condition: That the applicant is required to undertake an administrative "Division of Land" by *by August 20, 2017 merging lot A into lot B which are both owned by the applicant.*

The applicant understands that if the Division of Land not occur by August 20, 2017 that no final certificate of occupancy will be issued by the Town of Manlius, the motion was seconded by Member Kelly. In the event the Division of Land does not take place by August 20, 2017, the variance is voidable by an action of the Zoning Board of Appeals.

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

The motion was carried

Joseph Novek – 8075 Irish Mist Lane, Manlius

Public Hearing – Area Variance – to construct a new house requesting a variance of 25’, for road frontage of 125’ instead of the required 150’. Also requesting an area variance of 3’, for a front yard setback of 37’ instead of the required 40’

Chairman McIntosh stated the neighbors had been notified.

Contractor Mr. Kobalewski was there representing Mr. Novek, asking the board for road frontage. Mr. Kobalewski stated he can flip the house so no front yard setback will be needed.

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

Board Questions

Member Schepp asked if the lot was platted. Mr. Kobalewski answered yes. Member Schepp asked if the lot shape is consistent with other lots in the neighborhood, Mr. Koblewski answered yes. Member Schepp asked if neighbors were notified. Mr. Kobalewski answered yes; he had talked to each of them and no has a problem with the house.

Member Kelly asked for a description of the planned house. Mr. Kobalewski stated that the inside of the house will look like an old barn and the outside will look like a 2 story colonial which will fit with the neighborhood.

Chairman McIntosh asked if they will need to put fill in the lot. Mr. Kobalewski answered no

Member Kelly asked what the size of the house would be. Mr. Kobalewski answered the house will be 3100 square feet, it will be 1 ½ stories and the house will sit at street level.

Member Schepp asked if the lot is on public sewers, Mr. Kobalewski answered yes

Member Kelly asked if the house will sit at street level, Mr. Kobalewski answered yes at street level.

Chairman McIntosh opened the public hearing at 8:01 pm.

Chairman McIntosh closed the public hearing at 8:02 pm

Board Discussion

Member Kelly asked why the lot sat there for so long. Mr. Kobalewski stated Mr. Novek has owned the property since 2002.

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 a variance to Joseph Novek, 8075 Irish Mist Lane, Manlius for road frontage of 125' instead of the required 150' and an area variance of 7' for a side yard setback of 37' instead of the required 40'

The Board voted as follows:

Chairman McIntosh	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 Kelly made a motion, seconded by Member Schepp, and carried unanimously, to end the meeting at 8:24PM

Respectfully submitted,

Deborah Witzel, Secretary
Town of Manlius Zoning Board of Appeals