

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
February 9, 2017**

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 McIntosh presiding and the following Members were present:

	Chairman	Henry McIntosh
Absent	Member	Al Ruthig
	Member	KP Kelly
	Member	T.R. Schepp
Absent	Member	Jim Campbell
	Secretary	Deborah Witzel
	Town Attorney	Tim Frateschi

Also Present: David Wagner, Mr. Reddy, Fredrick Kraus

The Pledge of Allegiance was recited.

Legal Notices

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

Traditions at the Links – 5900 N. Burdick St., East Syracuse, NY (077.-04-04.1)

Public Hearing – Area Variance – for a Sign – requesting an area variance of 45+/-square feet instead of the required 16 square feet and a 12+/- feet height variance instead of the required 6’.

Chairman McIntosh asked if Mr. Kraus had notified his neighbors about the project. Mr. Kraus answered yes.

Mr. Kraus owner of Traditions at the Links stated the sign that is existing now is old and the posts are failing. Mr. Kraus stated he would like the new sign to match the improvements they have made to the back of the building. The new sign would have cultured stone at the bottom and the post would go down 4’ down for stability. Mr. Kraus stated his goal is to go from two signs to one sign with the new sign reading “Traditions at the Links” and removing the old “Traditions at the Links at Erie Village”.

Chairman McIntosh clarified that the variance that Mr. Kraus is requesting is just for the sign and not for the structure holding the sign.

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. Kraus stated – no, the sign is needed to identify the business and is replacing an existing sign in almost the same location.

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

Board Questions

Member Schepp asked how many feet off the roadway the will the sign be. Mr. Kraus answered 24'. Member Schepp asked if the sign will be similar in size to your neighbor's signs at Doow Lumber and the Medical Center. Mr. Kraus stated that the Doow sign is much taller and the Medical Center sign is larger than what he is proposing. Mr. Kraus also stated that the sign will be back further from the road than the Medical Center sign, so drivers will have a clear view when pulling out on to N. Burdick St.

Member Kelly asked what the size difference will be between the old sign and the new sign. Mr. Kraus answered if you combine the existing two signs they would be within 2 square feet of the new sign.

Member Schepp asked if Mr. Kraus notified his neighbors about the project. Mr. Kraus answered yes. Attorney Frateschi then stated for the record that the sign is being built on the Medical Center property. The Town did receive a letter from Mr. Oot the owner of the property stating that he authorizes the project.

Member Kelly asked if the sign is 24' from the driveway will it then be in the grassy area. Mr. Kraus answered, stating there is a planting bed around the existing sign that goes out about 18' in an oval shape and new sign will be put in center, using the same spot as the old sign.

Chairman McIntosh asked if the wood being used would be pressure treated. Mr. Kraus answered the anchor posts will be pressure treated, the sign will be more like a plastic.

Member Kelly asked what will be on the sign. Mr. Kraus answered "Traditions at the Links" on both sides.

Chairman McIntosh opened the public hearing at 7:12PM

Chairman McIntosh closed the public hearing at 7:13PM

Board Discussion

Member Kelly stated the sign won't change the character of the neighborhood. He does have a problem with the structure that will hold the sign, understanding that the ZBA is only concerned with the sign, then he has no problem with the request.

Member Schepp stated the size will be approximately the same as the neighboring signs maybe a little shorter, it will not be a detriment to traffic safety and it is a worthy project in that it would be an improvement of the existing sign.

Chairman McIntosh agreed and believes it will be a nice addition to the area.

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 stated the structure that will hold up the sign will need to go to the Planning Board for their approval. Chairman McIntosh asked the Board if they would like to make a ZBA approval contingent on the Planning Boards site plan approval.

Member Schepp stated he would prefer not to approve with a contingency because he is concerned if the Planning Board denies the application then the ZBA sign approval would carry forward with whatever the applicant revises the plan to be.

Attorney Frateschi stated they will need site plan approval and without site plan approval there will not be a building permit issued. There is no record of a site plan for the Medical Center on file at the Town by going through the Planning Board the approved site plan that is being provided at this time will be on record through the Planning Board minutes. Attorney Frateschi agreed with Member Schepp that if the Planning Board rejected the application the variance for the sign would still be in place. Attorney Frateschi stated if you make the sign approval contingent on the Site Plan approval from the Planning Board then the applicant can only use the ZBA approval for the plan provided.

Chairman McIntosh stated that there are 2 variances for the sign, one for height and one for size.

Board Action

Member Schepp made a motion to grant 2 variances to Traditions at the Links, 5900 N. Burdick St., E. Syracuse for a sign requesting 45+/- square feet instead of the required 16' and a height of 12' instead of the required 6' conditioned upon site plan approval by the Town of Manlius Planning Board. The motion was seconded by Member Kelly.

The Board voted as follows:

Ayes: Chairman McIntosh
Member Kelly
Member Schepp

Absent: Member Ruthig
Member Campbell

The motion was carried.

Pratap & Deepika Reddy – 7338 Dartmoor Crossing, Fayetteville NY (093.-06-05.0)

Public Hearing – Area Variance – to construct a 24X24 Garage – requesting an area variance of 10’ for a side yard setback of 10’ instead of the required 20’.

Chairman McIntosh opened the public hearing at 7:20PM

Chairman McIntosh confirmed that the applicant had notified his neighbors. Mr. Wagner answered yes.

David Wagner, architect for the project stated they would like to build a garage just behind the existing house. Mr. Wagner explained that there is a garage attached to the house but they need more garage 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. Wagner stated – no, they did look at other options for the location of the garage but because of the pool and the slope at the rear of the property, it wasn’t economically feasible.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Wagner stated – no stating the neighbor adjacent to the property is in favor of the plan and it is over 80 feet from the closest neighboring home.
- 3) Whether the requested Variance is substantial? Mr. Wagner stated – no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Wagner stated – no’
- 5) Whether the alleged difficulty was self-created? Mr. Wagner stated – yes

Board Questions

Attorney Frateschi asked if the pool in the back is why the garage could not be moved back any further. Mr. Reddy answered that is why yes.

Member Kelly asked if the finishes will match the house. Mr. Wagner answered yes

Chairman McIntosh asked if the location is so they will have access to the existing garage. Mr. Wagner answered yes.

Member Schepp confirmed that the neighbors were notified. Mr. Reddy answered yes and the neighbor most impacted by the project sent a letter in support of the project.

Chairman McIntosh asked if they planned on removing the tree. Mr. Reddy answered no they will be about 5’ inside of the tree. Mr. Wagner stated the tree might have to be removed depending on what they see upon excavation.

Member Schepp asked if the neighbor next door was aware that the tree may need to be removed. Mr. Wagner answered yes.

Chairman McIntosh closed the public hearing at 7:25PM

Board Discussion

Member Schepp stated the project will complement the character of the neighborhood and will not be a detriment and the set back is necessary for the project and he is in favor of the project.

Member Kelly stated there is significant space between the houses and no one is being crowded. Mr. Wagner stated it will be about 80' from the garage to the next-door house.

Chairman McIntosh asked if they could go any further back. Mr. Reddy answered no they only have 40' and they cannot build beyond that and the slope in the back would make the construction difficult.

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 Mr. Reddy, 7338 Dartmoor Crossing, Fayetteville NY for the construction of a 24'X24' garage requesting a variance of 10' instead of the required 20' the motion was seconded by Member Kelly

Member Kelly asked about how long will it take to built. Mr. Reddy answered about 2 months when the weather clears.

Attorney Frateschi asked if there will be electricity, plumbing or living quarters in the garage. Mr. Reddy answered no plumbing just electric for lighting and no living quarters.

The Board voted as follows:

Ayes: Chairman McIntosh
Member Kelly
Member Schepp

Absent: Member Ruthig
Member Campbell

The motion was carried.

Member Kelly asked if the board members should be concerned with weather the drawings provided for a project are correct. Example: if they show a 1 story should we ask if it will be a two story. Attorney Frateschi answered you can ask anything you want but Zoning Board is only looking at the placement of the project.

Minutes

Member Kelly made a motion, seconded by Member Schepp to approve the minutes of December 15, 2016, and it was carried unanimously.

The Board voted as follows:

Ayes: Chairman McIntosh
Member Kelly
Member Schepp

Absent: Member Ruthig
Member Campbell

The motion was carried.

2017 Zoning Board of Appeals Organizational Meeting

1. The Town Board on January 4, 2017 appointed Henry McIntosh Chairman of the Zoning Board of Appeals for a period of 1 year to expire on 12/31/2017
2. The Town Board on January 4, 2017 appointed Jim Campbell as a member of the Zoning Board of Appeals for a period of 5 years to expire on 12/31/2021
3. The Town Board on January 4, 2017 appointed Frateschi, Schiano & Germano Law Firm as the Attorneys for the Zoning Board of Appeals
4. The Zoning Board of Appeals 2017 Meetings are to be held on the 3rd Thursday of every month and will meet at 7:00PM at the Manlius Town Hall

Zoning Board of Appeals 2017 Meeting Dates 7:00 PM

January 19, 2017	May 18, 2017	September 21, 2017
February 9, 2017	June 15, 2017	October 19, 2017
March 16, 2017	July 20, 2017	November 16, 2017
April 20, 2017	August 17, 2017	December 21, 2017

Member Schepp made a motion to approved holding the Zoning Board of Appeals 2017 meetings on the 3rd Thursday of the month, with the exception of February 16th which will be held on February 9, 2017, the motion was seconded by Member Kelly

The Board voted as follows:

Ayes: Chairman McIntosh
Member Kelly
Member Schepp

Absent: Member Ruthig
Member Campbell

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