

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
June 15, 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
Member	Al Ruthig
Member	KP Kelly
Member	T.R. Schepp
Member	Jim Campbell
Secretary	Deborah Witzel
Code Officer	Randy Capriotti

Also, Present: Carol Eaton

The Pledge of Allegiance was recited.

Minutes and Legal Notices

Member Campbell made a motion, seconded by Member Kelly to approve the minutes of February 9, 2017, and it was carried unanimously.

Chairman McIntosh stated that he has confirmed that the legal notice had been published for the application on the agenda. Member Schepp made a motion, seconded by Member Ruthig to waive the reading of the publication for the item on the agenda and it was carried unanimously.

Andrew & Carol Eaton, 5825 Jasmine Circle., E. Syracuse NY

Public Hearing - for an area variance of 16' from the rear yard setback to construct a 15' X 26' inground pool at 9' instead of the required 25' from the rear line.

Chairman McIntosh opened the Public Hearing at 7:03PM.

Mrs. Eaton stated she was there to request a variance for an inground pool. Mrs. Eaton told the board that the neighbors had been notified and all are okay with the variance.

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

Board Questions

Member Schepp confirmed with Mrs. Eaton that she had notified neighbors and that all are okay with the project. Member Schepp asked if there were other pools in the neighborhood, Mrs. Eaton answered yes.

Member Schepp asked if the legal notice had an error in it asking for a rear yard setback instead of a side yard setback. Code Officer Capriotti explained that the survey layout was not a regular layout and was read as a rear yard setback instead of a side yard setback and there for it is a side yard setback of 6'. Member Schepp asked if this was a typo error. Code Officer Capriotti answered yes. Member Schepp explained that because the actual setback is less by 10' than what was advertised he is okay with it.

Chairman McIntosh asked about the fencing. Mrs. Eaton answered it will be a white vinyl fence to match the house.

Member Campbell stated he didn't really see any other place for the pool to go in the yard.

Chairman McIntosh thought the pool would fit well in the neighborhood.

Member Kelly felt that the placement of the pool would not crowd any neighbors.

Code Officer Capriotti stated that he had walked the property and felt this was the only place for the pool to go.

Chairman McIntosh asked if there are any wires near the pool, Mrs. Eaton answered no its not and that they had talked with an electrician. Code Officer Capriotti stated the pool company is required before they dig to make sure there are no utilities in the area.

Chairman McIntosh closed the public hearing at 7:10PM

Board Discussion

Member Schepp stated the pool fits with the character of the neighborhood is not a detriment to the neighborhood and it does not appear to be substantial and he is in favor of the project. Members Kelly and Campbell agreed.

SEQRA

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 that Andrew & Carol Eaton of 82 Jasmine Circle, East Syracuse NY be granted a variance of 6' from the side yard setback to construct a 16 X 20 in ground pool at 9' instead of the required 15' side yard setback, the motion was seconded by Member Schepp.

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

The motion was carried.

Other Business

The subject of the proposed inland port discussed.

Adjournment

With there being no other business, Member Schepp made a motion, seconded by Member Campbell, and carried unanimously, to end the meeting at 7:20PM.

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