

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
August 17, 2017**

The Town of Manlius Zoning Board of Appeals assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Acting Chairman KP Kelly presiding and the following Board members present:

Absent	Chairman	Henry McIntosh
	Member	T.R. Schepp
	Member	Al Ruthig
	Member	Jim Campbell
	Secretary	Deborah Witzel
	Code Enforcement Officer	Randy Capriotti

Also, Present: Josh Oot, Kristen Barnhart

The Pledge of Allegiance was recited

Minutes and Legal Notices

Member Campbell made a motion, seconded by Member Schepp to approve the minutes of July 20, 2017, and it was carried unanimously.

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

Brian & Kristen Barnhart, 8018 Blarney Stone Way, Manlius

Public Hearing for an area variance to construct a 324-square foot addition (basement, 1st floor & 2nd floor), with an existing side yard setback of 9.5' they will need a variance of 10.5' to meet the required 20' side yard setback.

Acting Chairman Kelly asked if the Barnhart's neighbors had been notified about the variance request. Mr. & Mrs. Barnhart answered yes and presented a list of neighbors that had be notified.

Josh Oot introduced himself as helping with the Barnhart's project. The project is to construct a 324-sq. ft. addition of 3 stories, basement a recreation area, 1st floor will enlarge the kitchen and dining room and 2nd floor enlarging 2 bedrooms and adding a bathroom. The request is due to the growth of the family. After looking at many options the space they choose in the back fit best with the lines of the house and the addition will match the house with the siding and trim.

Acting Chairman Kelly 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. Oot stated - no

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

Board Questions

Member Schepp asked if any of the neighbors had comments about the project. Mrs. Barnhart answered no, everyone was okay with it. Member Schepp asked if there was any other way this could have been done. Josh Oot answered no because of the roof lines.

Member Campbell thought it was the logical place for the addition.

Member Ruthig agreed on the placement of the addition and is pleased that the neighbor most effected by the construction is okay with the project.

Acting Chairman Kelly opened the public hearing at 7:11PM

Acting Chairman Kelly closed the public hearing at 7:12PM

Board Discussion

Members Schepp, Campbell and Ruthig stated that they were in favor of the project.

SEQRA Review

Acting Chairman Kelly 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 area variance to Brian & Kristen Barnhart, 8018 Blarney Stone Way, Manlius for an area variance to construct a 324-square foot addition (basement, 1st floor & 2nd floor), with an existing side yard setback of 9.5' they will need a variance of 10.5' to meet the required 20' side yard setback, seconded by Member Schepp.

The Board voted as follows:

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

The motion was carried.

Other Business

Acting Chairman Kelly stated he wished to talk about the request at 8041 Merrimac Dr. that will be continued at the September 21, 2017 meeting. Acting Chairman Kelly stated that he has requested Doug Miller the Town Engineer look at the drainage for the property. Acting Chairman Kelly has also requested that Tim Frateschi the Town Attorney be present at the September meeting.

Member Schepp stated that after reviewing criteria questions as stated below that he is not in favor of the project and he would deny the variance.

Whether the benefit sought by the Applicant can be achieved by some other feasible method? Member Schepp stating the pool could be placed in a different location and it would not require a variance.

Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Member Schepp stated this is the only above ground pool in a neighborhood of inground pools so it does effect the character of the neighborhood.

As to whether the Variance will have an adverse effect on physical or environmental conditions? Member Schepp stated the pool is being put in the middle of the drainage swale and what would happen in a 100 years storm if the swale has been compromised.

Acting Chairman Kelly agreed with Member Schepp that the pool could be moved further behind the house and that would open up the easement.

Member Ruthig asked if the pool was infringing on the easement now. Member Schepp answered yes. Acting Chairman Kelly stated therefore he would like the town engineer to look at the property.

Adjournment

With there being no other business, Member Schepp made a motion, seconded by Member Campbell, and carried unanimously, to end the meeting at 7:23PM

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