

TOWN OF MANLIUS
ZONING BOARD OF APPEALS
September 20, 2018
6:30 PM

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

Member	T.R. Schepp
Member	Al Ruthig
Member	Jim Campbell
Member	K. P. Kelly
Attorney	Timothy Frateschi
Secretary	Allison Weber

Also, Present: Joseph Adamo, East Syracuse. Brian King, East Syracuse. Kaitlin Maloff, Fayetteville. James Alibrandi, Fayetteville. Eric Gancarz, Manlius. Eric Wood, Manlius.

The Pledge of Allegiance was recited.

Minutes

Member Schepp made a motion, seconded by Member Campbell, to approve the minutes of August 16, 2018 as submitted by Secretary Weber and it was carried unanimously.

Legal Notices

Member Schepp made a motion, seconded by Member Ruthig to waive the reading of the public notices and it was carried unanimously.

Joseph Adamo & Brian King, 7144 Coventry Road South, East Syracuse, NY 13057 requesting a rear yard variance of 15 feet to construct a pool 10 feet from the rear property line instead of the required 25 feet, at the property located at 7144 Coventry Road South, East Syracuse, NY 13057. Tax Map # 075.-02-02.0.

Mr. Adamo and Mr. King presented a request for a variance to construct a pool. The applicants stated that a house is being constructed at 7144 Coventry Road and they would like to have the pool constructed at the same time.

Chairman McIntosh opened the public hearing at 6:31 PM. Chairman McIntosh asked if the neighbors had been notified. Mr. King answered yes.

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 answered no. Mr. King stated that a storage/ utility room is being constructed on the back of the home. Mr. King stated that the proposed location of the

pool is needed in order to gain access to the room and have a safe turning area for a lawnmower and other equipment.

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

Board Questions

Member Schepp asked the applicant if the variance requested is measured from the edge of the pool or the edge of the four-foot concrete pad surrounding the pool.

Chairman McIntosh asked if the current fencing belongs to the applicant. Mr. King answered yes.

Member Kelly asked the applicant if there is an elevation change near the proposed location of the pool. Mr. King stated that there is slope between the fence and the neighbor's backyard.

Member Kelly asked the Applicant if the location of the pool could be moved? The applicant stated that they could try and move the location of the pool. Member Schepp asked the applicant if the location of the pool could be moved slightly East. Mr. King stated that the pool could not be moved East because there are french doors that open out on that side of the house.

Chairman McIntosh asked the applicant if they are going to build a deck? Mr. King stated that there are no plans for a deck yet.

Chairman McIntosh closed the public hearing at 6:45 PM.

SEQRA Review

Chairman McIntosh determined the proposed project and action contemplated is 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 stated that the pool is in keeping with the character of the neighborhood and the neighbor has a similar pool next door.

Member Ruthig made a motion to approve the variance as submitted by Joseph Adamo and Brian King.

Member Schepp asked for clarification on the variance. Member Schepp stated that variance is being calculated from the edge of the pool and not the edge of the concrete pad. Member Schepp stated that the edge of the concrete pad is only six feet from the rear property line and the edge of

the pool is ten feet from the rear property line. Member Schepp asked if the concrete pad around the pool is included in the construction.

Member Ruthig stated that in the past variances have been calculated from the edge of the pool and not the edge of a concrete pad.

Member Kelly stated that he believes the variance should be calculated from the water's edge of a pool because the pool is the main construction as it is a large hole in the ground. Member Kelly seconded the motion to approve the variance as submitted by Joseph Adamo and Brian King.

Member Schepp stated that in the past, variances for pools have been calculated from the edge of the concrete pad and not the edge of the pool. Member Schepp asked for clarification from the attorney.

Attorney Frateschi read aloud the definition of structure in the Town of Manlius code. Attorney Frateschi stated that the ZBA can make the decision as to where the variance is calculated from.

Member Campbell stated that he agrees with Member Ruthig and the variance is measured from the water's edge of a pool and not the concrete pad. Member Campbell stated that the neighbor has a pool that is in very similar location as the proposed location of the applicant's pool.

Discussion ensued regarding whether the variance is calculated from the edge of the pool or the edge of the concrete pad.

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Ruthig made a motion, seconded by Member Kelly to grant a rear yard variance of 15 feet to Joseph Adamo & Brian King, 7144 Coventry Road South, East Syracuse NY 13057 to construct a pool 10 feet from the rear property line instead of the required 25 feet, at the property located at 7144 Coventry Road South, East Syracuse, NY 13057. Tax Map # 075.-02-02.0

The Board voted as follows:

Chairman McIntosh	Aye
Member Campbell	Aye
Member Ruthig	Aye
Member Schepp	Aye
Member Kelly	Aye

The motion was carried.

Kaitlin Maloff & James Alibrandi 318 Mott Road, Fayetteville NY 13066 requesting a front yard variance of 20 feet to construct a 20x12 shed 20 feet from the front property line instead of the required 40 feet and a side yard variance of 4 feet to construct the shed 16

feet from the side property line instead of the required 20 feet at the property located at 318 Mott Road, Fayetteville NY 13066. Tax Map # 092.-06-09.0.

Mr. Alibrandi reviewed his application to construct a 20x12 shed.

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

Chairman McIntosh opened the public hearing at 6:56 PM. There being no comment from the public, Chairman McIntosh closed the public hearing at 6:57.

Board Questions

Member Schepp discussed, with the applicant, that their lot has two front yard lines because it is a corner lot.

Member Kelly asked the applicant if the shed was being constructed 20 feet from the property line or 20 feet from the road line. Attorney Frateschi stated that the lines on the survey that were submitted were drawn by a licensed surveyor. Member Schepp stated that the property line and the road line are labeled the same on the survey that was submitted.

Discussion ensued regarding the property line and the street line being the same.

Member Schepp asked the applicant if they could move the shed to a different location on the property. Mr. Alibrandi stated that his home does not have a basement for storage. Mr. Alibrandi stated that if the shed was placed on the other side of the property it would be even closer to his property line than the proposed location.

Member Ruthig asked the applicant if there would be any sort of driveway leading to the shed. Mr. Alibrandi stated that there would be a ramp only.

Mr. Alibrandi stated that the previous home owners had a shed in that same location and he is proposing to place the new shed in the same footprint. Mr. Alibrandi stated that the shed will look neater if it is placed in the proposed location as opposed to the middle of the lot.

Member Kelly stated that he has a problem with the proposed location of the shed. Member Kelly stated that the shed is too close to Mott Road and he would like the shed moved to the 40 ft setback. Mr. Alibrandi stated that he is unable to move the shed to meet the 40-foot setback requirement because of a large tree in the middle of the yard.

Member Schepp stated that he supports granting the variance as submitted by the applicant. Member Schepp stated that the shed is in keeping with the character of the neighborhood and there was a shed in the proposed location previously. Member Schepp stated that there is substantial screening from trees on the property and the shed is a full car length from the road. Member Schepp stated that there would be no environmental impact from the installation of the shed.

Chairman McIntosh asked the applicant if he would be planting any new trees. Ms. Maloff stated that new trees will not be planted however there are several trees bordering most of the property.

SEQRA Review

Chairman McIntosh determined the proposed project and action contemplated is 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

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Schepp made a motion, seconded by Member Ruthig to grant a front yard variance of 20 feet to Kaitlin Maloff & James Alibrandi 318 Mott Road, Fayetteville NY 13066 to construct a 20x12 shed 20 feet from the front property line instead of the required 40 feet and a side yard variance of 4 feet to construct the shed 16 feet from the side property line instead of the required 20 feet at the property located at 318 Mott Road, Fayetteville NY 13066. Tax Map # 092.-06-09.0.

The Board voted as follows:

Chairman McIntosh	Aye
Member Campbell	Aye
Member Ruthig	Aye
Member Schepp	Aye
Member Kelly	Nay

The motion was carried.

Eric Gancarz, 7637 Sturbridge Drive, Manlius, NY 13104 requesting a rear yard variance of 35 feet to construct a 10x14 shed 5 feet from the rear property line instead of the required 40 feet, at the property located at 7637 Sturbridge Drive, Manlius, NY 13104. Tax Map # 110.-07-13.0.

Chairman McIntosh asked if the neighbors had been notified. Mr. Gancarz answered yes.

Mr. Gancarz reviewed his application requesting a variance to construct a 10x14 shed.

Member Schepp asked the applicant about the easement that is shown in the corner of his property on the survey submitted. Mr. Gancarz stated that the easement is for National Grid and there are electrical boxes on the corner of the property.

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

Chairman McIntosh opened the public hearing at 7:12 PM. There being no comment from the public Chairman McIntosh closed the public hearing at 7:12 PM.

Board Discussion

Member Campbell stated that there are already a large number of sheds in the neighborhood.

Member Schepp stated that the he supports granting the variance as submitted by the applicant. Member Schepp stated that the shed is in keeping with the character of the neighborhood.

Member Kelly asked if the shed would be the same color as the house and if the shed would be a one story shed. Mr. Gancarz answered yes.

Member Kelly asked the applicant if the shed would have electricity? Mr. Gancarz answered no.

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

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Campbell made a motion, seconded by Member Kelly, to grant a rear yard area variance of 35 feet to Eric Gancarz, 7637 Sturbridge Drive, Manlius, NY 13104 to construct a 10x14 shed 5 feet from the rear property line instead of the required 40 feet at the property located at 7637 Sturbridge Drive, Manlius, NY 13104.

The Board voted as follows:

Chairman McIntosh	Aye
Member Campbell	Aye
Member Ruthig	Aye
Member Schepp	Aye
Member Kelly	Aye

The motion was carried.

Eric Wood, 8115 Verbeck Drive, Manlius, NY 13104 requesting a rear yard variance of 26 feet to construct a 12x14 shed 4 feet from the rear property line instead of the required 30 feet and a side yard variance of 26 feet to construct the shed 4 feet from the property line instead of the required 30 feet at the property located at 8115 Verbeck Drive, Manlius, NY 13104. Tax Map # 114.-04-45.0.

Chairman McIntosh asked if the neighbors had been notified. Mr. Wood answered yes.

Mr. Wood reviewed his application requesting a variance to construct a 12x14 shed.

Chairman McIntosh proceeded with the applicant through the five (5) criteria questions:

- 6) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Wood answered no.
- 7) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Wood answered no.
- 8) Whether the requested Variance is substantial? Mr. Wood answered no.
- 9) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Wood answered no.
- 10) Whether the alleged difficulty was self-created? Mr. Wood answered no.

Board Discussion

Member Kelly asked the applicant if the shed would be one story? Mr. Wood Answered yes.

Member Schepp asked the proposed shed location was in the drainage easement as shown on the submitted survey. Mr. Wood answered yes.

Member Schepp stated that he has an issue with approving the construction of a shed in a drainage easement.

Member Kelly stated that the applicant should be aware the he is responsible for the shed should it need to be removed from the drainage easement.

Chairman McIntosh asked the applicant if the existing shed shown on the survey would be removed. Mr. Wood Answered yes.

Chairman McIntosh asked the applicant if the shed could be moved out of the drainage easement? Mr. Wood answered yes.

Attorney Frateschi stated that the shed should not be constructed in a drainage easement as it could inhibit drainage flow. Attorney Frateschi stated that the shed should be moved out of the drainage easement.

Chairman McIntosh opened the public hearing at 7:19 PM. There being no comment from the public Chairman McIntosh closed the public hearing at 7:19 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

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood with the condition that the shed is moved out of the drainage easement.

Member Schepp made a motion, seconded by Member Kelly, to grant Eric Wood, 8115 Verbeck Drive, Manlius, NY 13104 a rear yard area variance of 15 feet construct a 12x14 1 shed 15 feet from the rear property line instead of the required 30 feet and a side yard variance of 26 feet to construct the shed 4 feet from the property line instead of the required 30 feet at the property located at 8115 Verbeck Drive, Manlius, NY 13104. Tax Map # 114.-04-45.0.

The Board voted as follows:

Chairman McIntosh	Aye
Member Campbell	Aye
Member Ruthig	Aye
Member Schepp	Aye
Member Kelly	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 7:04PM

Respectfully submitted,
Allison Weber, Secretary
Zoning Board of Appeals