

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
October 18, 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	K. P. Kelly
Attorney	Timothy Frateschi
Secretary	Allison Weber

Also, Present: Eggert Family. Tom Oot, Oot Brothers. Joshua Guy, East Syracuse.

The Pledge of Allegiance was recited.

Minutes

Member Kelly made a motion, seconded by Member Ruthig, to approve the minutes of September 20, 2018 as submitted by Secretary Weber and it was carried unanimously.

Legal Notices

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

Oot Bros., 5912 N. Burdick St., East Syracuse NY 13057 - Requesting a rear yard variance of 22 feet to construct a single family house with a deck 18 feet from the rear yard instead of the required 40 feet, a front yard variance of 10 feet, so that it will be 30 feet instead of the required 40 feet from the front yard, at the property located at 6595 Maricarol Lane, Kirkville, NY 13082. Tax Map # 051.-02-38.0.

Mr. Oot reviewed the application for a for a variance to construct a single-family house at 6595 Maricarol Lane, Kirkville NY 13082. Mr. Oot stated that a previous area variance was issued 5/8/2015.

Chairman McIntosh opened the public hearing at 6:32 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. Oot answered no.
- 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. Oot answered no.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Oot answered no.
- 5) Whether the alleged difficulty was self-created? Mr. Oot answered no.

Board Questions

Mr. Oot stated that the original setback would have put the proposed house where it is situated now.

Member Schepp asked the applicant if the neighbors had all been notified. Mr. Oot answered yes.

Chairman McIntosh asked if the front line of the proposed home would look similar to the other homes in the neighborhood. Mr. Oot answered yes.

Attorney Frateschi stated that the proposed location of the deck will have no impact on the neighbors.

Chairman McIntosh closed the public hearing at 6:38 PM.

Member Kelly asked the applicant if the color of the home would be consistent with the character of the neighborhood? Mr. Oot answered yes.

Member Schepp stated that he has no concerns with the application and that the proposed house is consistent with the character of the neighborhood.

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 Kelly to grant Oot Bros., 5912 N. Burdick St., East Syracuse NY 13057 a rear yard variance of 22 feet to construct a single family house with a deck 18 feet from the rear yard instead of the required 40 feet, a front yard variance of 10 feet, so that it will be 30 feet instead of the required 40 feet from the front yard, at the property located at 6595 Maricarol Lane, Kirkville, NY 13082. Tax Map # 051.-02-38.0.

The Board voted as follows:

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

The motion was carried.

Joshua Guy, 303 Sunset Dr. East Syracuse NY 13057- Requesting a side yard variance of 8 feet to construct a lean-to-shed attached to the existing house 7 feet from the side yard instead of the required 15 feet at the property located at 303 Sunset Dr. East Syracuse, NY 13057. Tax Map # 067.-01-42.0.

Mr. Guy reviewed his application for a variance to construct a lean-to-shed on the existing house at the property located at 303 Sunset Drive East Syracuse NY.

Chairman McIntosh opened the public hearing at 6:43 PM. Chairman McIntosh asked if the neighbors had been notified. Mr. Guy answered yes

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

Board Questions

Member Kelly asked the applicant for clarification on the project to be constructed. Mr. Guy described the project including the pool. Mr. Guy stated that the pool was already approved.

Member Schepp asked the applicant if the neighbors had been notified. Mr. Guy answered yes.

Member Kelly asked the applicant for more clarification on the shed roof. Mr. Guy stated that the roof will continue off of the existing house roof for an outdoor kitchen.

Member Ruthig asked the applicant if the proposed project was a patio with a roof over it. Mr. Guy stated that it would be used as an outdoor kitchen.

Member Ruthig asked if the siding would match the house? Mr. Guy answered yes.

Chairman McIntosh closed the public hearing at 6:49 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

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 Kelly to grant an 8-foot side yard variance to Joshua Guy, 303 Sunset Dr. East Syracuse NY 13057 to construct a lean-to-shed attached to the existing house 7 feet from the side yard instead of the required 15 feet at the property located at 303 Sunset Dr. East Syracuse, NY 13057. Tax Map # 067.-01-42.0.

The Board voted as follows:

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

The motion was carried.

Chairman McIntosh asked the Attorney if the Zoning Board of Appeals would be required to complete sexual harassment training as outlined in the new sexual harassment laws? Attorney Frateschi answered yes.

Member Kelly stated that the Zoning Board of Appeals application appears to have changed. Secretary Weber stated that the application may be formatted differently but all of the information is the same.

Adjournment

With there being no other business, Member Schepp made a motion, seconded by Member Ruthig, and carried unanimously, to end the meeting at 6:53 PM

Respectfully submitted,
Allison Weber, Secretary
Zoning Board of Appeals