

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

SS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: APRIL 7, 2008

PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular Meeting of the Zoning Board of Appeals was held Monday April 7, 2008 at 7:00 P.M. at the Cicero Town Hall, 8236 South Main Street, Cicero, NY 13039.

MEMBERS PRESENT:

Gary Natali:	Board Chairman
Charles Stanton:	Board Member
Donald Stewart:	Board Member
Michael Stassi:	Board Member
Robert Wilcox:	Board Member, AdHoc
Richard Griola:	Board Member
Mark Rabbia:	Board Member

OTHERS PRESENT:

Wayne Dean:	Director of Planning & Development
Nancy G. Morgan:	Secretary
Melissa DelGuercio:	Attorney
Vernon Conway:	Town Board Liaison

ABSENT: None

In as much as there was a quorum present, the meeting opened at 7:00 p.m.

Mr. Natali pointed out the fire exits and requested that pagers and cell phones be turned off. He then read the following statement: The Cicero Town Board acknowledges the importance of full participation in public meetings, and therefore, urges all that wish to address those in attendance to utilize the microphones in the front of the room.

Motion was made by Mr. Rabbia, seconded by Mr. Stewart, to approve the minutes of the February 4, 2008 Zoning Board of Appeals Meeting.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Abstain
Mr. Stassi:	Abstain
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

Motion was made by Mr. Rabbia, seconded by Mr. Stewart, to approve the minutes of the March 3, 2008 Zoning Board of Appeals Meeting.

Motion was put to a vote resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Abstain
Mr. Stassi:	Abstain
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

Motion was made by Mr. Natali, seconded by Mr. Stanton, that all actions taken tonight are Type II Unlisted Actions and have a negative impact on the environment, unless otherwise indicated.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE DEFERRED FROM MARCH 3, 2008 MEETING, FOR EDWARD & DONNA SIERS, 6120 MUSKRAT BAY RD., TO ALLOW REPLACING A PORCH WHICH WILL INFRINGE ON THE REQUIRED SETBACKS IN AN R-10 ZONE.

Representatives: Edward Siers, Owner
Kevin Nolan, Attorney

Mr. Nolan: Checked to see if Board members had received the updated survey. I'll amend our original request to be an additional 5 1/2 ft. based on the survey, without eaves, to make a total porch of 13 1/2 ft. X 24 ft. after the old porch is torn down. I understand there's going to be some more neighbors coming forth with another petition. Obviously, there's some animosity in the neighborhood but I don't think this is a proper forum. This is a variance. It is along the same lines that they had and we're only asking for the extension of the current structure to meet with neighbors. I don't think it's going to impose any hardship on the neighbors to either side. The neighbor that is most effected has already provided proof that she has no objection to the addition. I'd like to reiterate from last meeting that the Sier's father has reduced mental capacity. They have Power of Attorney and Health Care Proxy and this is a hardship. Siers need to extend the current structure to allow the father to live with them. The current structure is in disrepair and needs to be replaced regardless of the dimensions.

Mr. Rabbia: For my own clarification, you're amending the request to be 24.35 ft. wide X 5.6 ft. away from the house.

Mr. Nolan: The current structure is 8 ft. X 24 ft. We have requested the structure to be 13 1/2 ft X 24 ft. now.

Mr. Natali: The Public Hearing was closed. We agreed we were just going to measure the distance compared with the houses to the west and we're looking at foundation to foundation and eaves to eaves without measuring from whatever line you want to start at the street level. Is that agreeable?

Mr. Nolan: Yes.

Motion was made by Mr. Natali, seconded by Mr. Rabbia, to approve the area variance for Edward & Donna Siers, 6120 Muskrat Bay Rd., to allow a structure that will be no further than the property to the east, foundation to foundation and eaves to eaves.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	No
Mr. Stewart:	No
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR FABIAN & MARIA MICHALKOW, 9317 BEARSPRINGS RD., TO ALLOW A COLD STORAGE TO BE BUILT IN AN AGRICULTURAL ZONE WHERE THE LOT SIZE IS LESS THAN 1 ACRE.

Representative: Maria Michalkow.

Mrs. Michalkow: We applied for the variance because it's zoned Agricultural and the lot is less than one acre. We would like to put up a cold storage building 28 ft. X 32 ft. On the left side of my neighbor, 10 ft. from my line and from the back, 5 ft. There's no neighbor, it's a wild area. We want to build a storage shed for our boat and things like that.

Mr. Natali asked for the dimensions.

Mrs. Michalkow: 28 ft. X 32 Ft.

Mr. Rabbia: I don't see it drawn out on your survey.

Mrs. Michalkow: There is some confusion because it is Agricultural. We don't understand how far we can put it from our neighbor. I brought the map in with the exact area on it where we want to put the storage building. There was 10 ft. from the left side and 5 ft. from the back yard. It's not a problem for us to move this. It's a big yard and I don't think the storage building will be in anybody's way. The back yard is next to a wild area.

Mr. Natali: Judging from your application and talking with Mr. Dean, you're asking for a variance based on the size of your lot. Therefore, we're anticipating that wherever you put it; it's going to meet the Code. Are you changing your thinking?

Mrs. Michalkow: No, I'm not.

Mr. Rabbia: But she needs 35 ft. from the rear and she only has 5 ft. You said you wanted to put it 5 ft. from the rear line?

Mrs. Michalkow: Yes, but we can change if possible. We could put even 10 ft. Whatever you allow us to do.

Mr. Wilcox: Is this a one story building?

Mrs. Michalkow: Yes. I brought the drawing and how it is supposed to look. We purchased this property so we would have a place for storage.

Mr. Rabbia: Was this advertised correctly?

Mr. Natali: Not really. According to your application, you're not asking for any other variance on the setbacks.

Mrs. Michalkow: What do you mean by setbacks?

Mr. Natali: From the property line if you want to go 5 ft.

Mrs. Michalkow: Whatever you'll let me do.

Mr. Dean: I brought this to the Board because it's a non-conforming lot. It's less than an acre in an Agricultural Zone. The setbacks are 35 ft. from the rear and 10 ft. from the sides. That is where I anticipated the structure would be. The only reason I brought it to the Board is because of the non-conforming lot. I'll work out the details with the setbacks.

Mr. Natali: We can't make a decision on your 5 feet. It's not part of the application. It's not what you're asking for.

Mrs. Michalkow: I think I specified. I came in a couple of times because there was a problem where to locate it. We want it 10 feet from our neighbor--from our line.

Mr. Rabbia: The way this was advertised, you were asking if you could do this on a lot smaller than one acre. That's the question we could answer tonight. There was no public notice about putting it 5 ft. from the rear line. If you leave here tonight and we only hear that one issue, then you have to work with Mr. Dean in terms of where you position the building and it will have to be 35 ft. from the rear line. If you say you want to hear it as 5 ft., we will have to hold off this month and re-advertise it. There are 2 issues. #1- Can you do this on a lot that 's less than one acre? #2-The other is where you want the building in relation to the property lines.

Mrs. Michalkow: I know exactly where we want it.

Mr. Rabbia: For whatever reason, when it was advertised to the public, there was only one issue that was advertised. It was, "can you do this on a lot that is less than one acre". Technically, we have to advertise both issues.

Mrs. Michalkow: When we applied, we thought we made those two issues clear.

Mr. Natali: You have definite plans where you want to put it--5 ft. from the back?

Mrs. Michalkow: Yes and 10 ft. from the left.

Mr. Natali: My suggestion is, you've already paid your fee for the variance, adjust your application, have a survey done with exactly where you want the building, and we'll adjourn this.

Mrs. Michalkow: I brought it to the Town.

Mr. Dean: You brought it after it was advertised.

Motion was made by Mr. Natali, seconded by Mr. Griola, to adjourn this matter until the May 5, 2008 Zoning Board of Appeals meeting and to re-advertise and to look at the plans that you presented.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR STEPHEN BOLSTER, 5819 REIS DRIVE, TO ALLOW CONSTRUCTION OF A GARAGE ON A NON-CONFORMING LOT. THE LOT IS 85 FT. WIDE WHERE 100 FT. IS REQUIRED. THE TOTAL SIDE SETBACK FOR BOTH SIDES WILL BE 20 FT, WHERE 30 FT. IS REQUIRED.

Representative: Stephen Bolster

Mr. Bolster: I want to put up a 20 ft. X 30 ft. garage. I was going to attach it to the left side of my house but I decided to put it behind the left side of my house if you permit it. I own 160 feet so I have plenty of room back there. I own 30 ft. from the corner of my house to the property line, which is a vacant lot. No one can ever build on that lot. It will be wood construction. The plans show what it will look like.

Mr. Natali: You have a stake there-- is that how far it is?

Mr. Bolster: Yes.

Mr. Rabbia: Say again--do you want to change the location?

Mr. Bolster: It's a 20 ft. X 30 ft. I want it detached in the back of the house.

Mr. Rabbia: So the issue is building a structure on a non-conforming lot.

Mr. Bolster: I want to have a place for my truck that I use for plowing in the winter, so I can back it in and just go.

Mr. Rabbia: Would you tuck it in or put it behind your house?

Mr. Bolster: I can do it either way. But I have a water problem, also, because the Town didn't dig out the ditch between Glendora and Reis Dr. yet. So, my back yard fills up. I have to be careful where I build this garage because of the water.

Mr. Natali: You have a 2 car garage. Will that remain as a garage?

Mr. Bolster: Yes, the 2 car garage will remain.

Mr. Natali: Do you know the owner of the vacant lot? We notified him. Is he here?

Mr. Bolster: Yes, he lives in Central Square. No, he's not here. He told me he basically bought the property to fill in because he can't build on it.

Mr. Stassi: What are you going to do with the camper that's there?

Mr. Bolster: It's gone. It's going to a campsite this summer and I'll store it in the winter.

Mr. Rabbia: You could line the garage up with the existing lines of the house?

Mr. Bolster: There's a driveway there already that my camper was on so my driveway won't go half way around the house.

Mr. Wilcox: Is the 20 ft. the front?

Mr. Bolster: Yes, it's 20 ft. wide and 30 ft. deep because of my plow. It's one story.

Mr. Rabbia: Could you turn the garage 90 degrees and put it right behind the house so you would stay within the width of your house?

Mr. Bolster: I could.

FOR: NONE
AGAINST: NONE

Hearing was closed at 7:27 P.M.

Motion was made by Mr. Rabbia, seconded by Mr. Stewart, to approve the area variance for Stephen Bolster, 5819 Reis Dr., to allow construction of a garage on a non-conforming lot. The lot is 85 ft. wide where 100 ft. is required. The placement of the garage is to be no closer than 20 ft. to the west property line and the rear of the garage to comply with rear setbacks.

Mr. Natali: Is that fence right on your property across the back?

Mr. Bolster: I don't have a fence there. I have a fence on the other side by the neighbor.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR NANCY CONGDON, 5931 LAKESHORE RD., TO ALLOW CONSTRUCTION OF 1300 SQUARE FEET OF ADDED LIVING SPACE TO THE WEST SIDE OF AN EXISTING HOME ON A .4 ACRE LOT WHERE 1 ACRE IS REQUIRED. ALSO, SIDE SETBACKS TOTAL 24.5 FT WHERE 30 FT. IS REQUIRED.

Representatives: Nancy Congdon, Owner
Carol C. Doucette, Sister of Owner

Mrs. Doucette: We would like to build an addition on to my sister's home for our parents to live in. They are elderly and we don't want them living in the house where they live now, we want them on one floor. The only option we have for them is to extend my sister's home and have them live there. I have copies of the plans and copies of the house as it looks now.

Mr. Natali: Is it also going to be brick?

Mrs. Doucette: No. It will be aluminum siding that matches the color of the house. The roof line of the extension will match the existing roofline of the house.

Mr. Rabbia: Is there any reason it has to come off the side? I didn't see the back of the house. Could it come off the back and stay in line?

Mrs. Doucette: The best option, according to the builder, was to come off the side. We don't have anything to the west of us. It's vacant right now. To the back is vacant. It will not impact the neighbor to the east.

Mr. Rabbia: To the west is the Mufale Family Partnership?

Mrs. Doucette: Yes

Mr. Wilcox: Will it be on one floor?

Miss Congdon: Yes.

Mr. Wilcox: The same construction as the house?

Mrs. Doucette: You mean the same building material?

Mr. Wilcox.: Building material.

Mrs. Doucette: It will not be brick. It will be aluminum siding to match the color of the brick so it will blend.

Mr. Rabbia: The stakes indicate the outline of the addition?

Mrs. Doucette: Yes. The stakes in the back don't go back far enough. We extended it out another 4 feet. We will have to take the pine tree out.

FOR: NONE
AGAINST: NONE

Mr. Rabbia: What is the square footage of the existing house?

Mrs. Doucette: 1305 sq. ft.

Mr. Rabbia: How much for the addition?

Mrs. Doucette: I think it's 1286 sq. ft.

Hearing was closed at 7:35 P.M.

Motion was made by Mr. Stassi, seconded by Mr. Stewart, to approve the area variance for Nancy Congdon, 5931 Lakeshore Rd., to allow construction of 1300 square feet of added living space to the west side of an existing home on a .4 acre lot where 1 acre is required and it shall be 14 1/2 feet from the side property line.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR ELAINE BASSANO, 8884 MAPLE DRIVE, TO ALLOW REPLACING A 1 1/2 STORY HOUSE ON AN R-10 LOT THAT IS NON-COMPLIANT. THE LOT IS 48.68 FT. WIDE AND 75 FEET IS REQUIRED.

Representatives: Elaine Bassano, Owner
Steven Buza, Architect

Mrs. Bassano: We want to replace the house that belonged to my parents. We found out that it was no more expensive to demolish it and rebuild than to jack it up, sink piers and fulfill Code requirements. We're waiting for permission to build before we take the old one down. It's pretty well torn apart because we've had asbestos abatement and we have a big dumpster there.

Mr. Wilcox: Do you want to build a bigger house?

Mrs. Bassano: Yes, we want to expand 2 feet to the east. As it is now, we have 12 1/2 ft. setback and that will give us 10 1/2 ft. setback. Wayne says that's within the requirements.
It will be 10 1/2 ft on the east side and 8 ft. on the west side.

Mr. Rabbia: I'm looking at the proposed layout and I don't see that 10 1/2 ft on here.

Mr. Busa: It's 11.1 ft. because it's tilted a little.

Mr. Rabbia: So you want to bump it out to the east a little over 1 foot?

Mrs. Bassano: 2 feet actually.

Mr. Busa: We're going to try to align it parallel to the west property line.

Mr. Wilcox: That will be an improvement. It will make the neighborhood look better.

Mr. Rabbia: So based on the numbers on the survey, if we say 8 ft. to the west property line and 11.1 ft to the east property line and allow placement of the house on a non-conforming lot.

Mr. Griola: Did you want to go 10.1 feet on the east?

Mr. Dean: The setbacks are not an issue.

FOR:	Mr. Bassano
AGAINST:	NONE
COMMENTS	

Neighbor, Bill Sweredoski: Asked that the property drain to the lake and or gutters.

Michael Slavinski, Long Point Rd.: I had a question about the asbestos--where is it or what happened to it ?

Mr. Natali: This is not a forum for this type of material things. There are people in this building that would be glad to answer your questions.

Hearing closed at 7:45 P.M.

Motion was made by Mr. Rabbia, seconded by Mr. Wilcox, to approve the area variance for Elaine Bassano, 8884 Maple Dr., to allow replacing a 1 1/2 story house on an R-10 lot that is non-compliant. The lot is 48.68 feet wide and 75 ft. is required.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR CINDY WRIGHT, 6107 DIFFIN ROAD, TO ALLOW A DECK BEYOND THE 3 FOOT REQUIRED SETBACK.

Representative: Cindy Wright

Ms. Wright: In 2005, I submitted the appropriate application and drawings for a building permit to construct a 14 ft. X 16 ft. deck at the rear of my townhouse. At that time, I specifically asked if there were limitations regarding a setback from the boundary of the next townhouse. I was told there were none and that I could build right up to the boundary if I wanted to and the permit was issued. We followed all the rules and had appropriate inspections as far as the holes and all the different measurements. But on the 3rd day of construction, Mr. Dean came into my back yard and said a neighbor had call and informed the Zoning Office that my deck was over the setback limits and that we should probably stop building at that point. The deck was pretty much done except for a couple of trim pieces so we stopped building. Mr. Dean stated he would come back to his office and look things over, figure out what to do and would get back to me later that day. The first contact I had from him was a couple of weeks ago when he called to explain he had made an error and he apologized.

He said I would have to apply for a variance. I certainly understand my neighbor's concern in this matter, as I'm sure she feels crowded in. However, at this point, my house has been sold. I'm moving to a new home and the only thing holding up is the issuance of this variance.

Mr. Natali checked with other Board members to make sure they had all read Ms. Wright's March 13th letter.

Mr. Griola: When the deck was actually finished, how far away from the line are you now?

Ms Wright: I was told it was supposed to be 3 ft. from the line. It is between 2 or 2 1/2 ft. Pretty tight.

Mr. Wilcox: Your neighbor's deck is quite a bit bigger.

Ms. Wright: No, the neighbor doesn't have a deck.

Mr. Wilcox: There's not one on the west?

Ms. Wright: No.

Mr. Stassi: It looks like your footers may have been on line but you have a 15 inch overhang from those posts that were set.

Mr. Griola to Mr. Dean: If we have a 20 ft. building and 16 ft. deck and there's an offset of 3.3, that's 19.3 ft which means you're 7 in from the line.

Mr. Dean: I'm not sure about the 3.3. That might refer to the back step.

Mr. Rabbia: It looks like some mixed messages and she went ahead and built with the information she had.

Mr. Natali: Is that a contingency in your purchase offer?

Ms. Wright: Yes.

FOR: NONE

AGAINST: NONE

COMMENT:

Neighbor Esther DeCosta: Am not for or against. We measured it--it's actually 17 inches from her deck to my basement window. The other thing is that I placed several calls to Mr. Dean in May 2006. Also June and July. I asked if there was a Code that said it should be 3 feet. No one returned my calls. If it had been addressed then , we wouldn't have this problem now.

Mr. Natali: What is your feeling about where it is now?

Ms DeCosta: The variance will make it legal. The only other option would be to move the deck over to the other side, which would probably be a problem at this point. I can open my sliding glass door and reach over to touch it.

Mr. Natali: Are you in favor of us leaving it where it is and making it legal so that it can be conveyed at any time?

Ms. DeCosta: As long as you make it legal.

Mr. Stewart to Mr. Dean: If a neighbor built a deck that was conforming, how close would it be to the deck in question here?

Mr. Dean: The Code says that a new deck has to be 3 feet from the property line.

Mr. Stewart: If the neighbor wanted to put up a deck, the way I measured when I was out there, she wouldn't be able to put screws in to build her deck because this deck is so close. That's my issue.

Mr. Natali: There would be 3 ft. 17 in. That's 4 ft. 5 in. to operate in.

Hearing was closed at 7:55 P.M.

Motion was made by Mr. Natali, seconded by Mr. Stassi, to approve the area variance for Cindy Wright, 6107 Diffin Rd., to allow the existing deck to remain where it is, where a 3 foot setback is required.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stewart:	No
Mr. Stanton:	No
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR KENNETH MOSSOW, 5957 PINEGROVE ROAD, TO ALLOW CONSTRUCTION OF AN ADDITION TO A NON-CONFORMING HOUSE . CURRENTLY THE HOUSE IS 2 FT +/- FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS REQUIRED.

Representative: Kenneth Mossow

Mr. Mossow: I thought I would be in compliance if I built 6 1/2 ft. off the property line.

Mr. Rabbia to Mr. Dean: It has to be a minimum of 10 feet in an Agricultural Zone?

Mr. Dean: Yes.

Mr. Mossow: Should I shorten up that back wall then, instead of 26.7 ft. ? A little over 22 ft. would be O.K. with me. I'll have to rearrange something else.

Mr. Rabbia: If the motion is passed tonight, you would work out where the property goes with Mr. Dean. What we're listening to today is that your house today is 2 feet off the property line. Correct ? I don't believe you're asking to build your addition 2 ft. to the line. Right?

Mr. Mossow: No. Wayne suggested going in 6 1/2 ft. off the property line.

Mr. Rabbia: So, what you're looking for is 6 1/2 ft. from the property line to the proposed addition?

Mr. Mossow: Yes. That will just bump-out there 3.7 ft and then go toward the garage.

Mr. Rabbia and Mr. Mr. Dean agreed 10 feet was required.

Mr. Rabbia: Do you think we have another advertising issue?

Mrs. DelGuercio: That's what I'm wondering.

Mr. Dean: Can you go with 10 feet?

Mr. Mossow: Yes, I can do that.

Mr. Rabbia: If he's good with that, that makes the property line issue go away.

Mr. Mossow: We can do that. I'll just have to shorten it up. So, it has to be exactly 10 ft. off the property line?

Mr. Rabbia: Yes.

Mr. Natali: We're basically approving a variance for where your house already is. So if you go with the 10 ft. it will be fine.

Mr. Mossow: I wanted to put the power from the house underground to the garage. Is that O.K.

Mr. Natali: That's not our concern. That's strictly up to the contractor.

FOR: Matt Laskowski, 7922 Appleton Rd., neighbor to the west. The improvements he's already made--replacing the old rickety barn with a new garage--are great improvements to the neighborhood.

AGAINST: NONE

Hearing was closed at 8:03 P.M.

Motion was made by Mr. Rabbia, seconded by Mr. Griola, to approve the area variance for Kenneth Mossow, 5957 Pinegrove Rd., to allow construction of an addition to a non-conforming house in an agricultural zone. Currently, the house is 2 ft. plus or minus from the side property line where 10 ft. is required.

Motion was put to a vote, resulting as follows:

Mr. Rabbia	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Abstain
Mr. Stassi:	Yes
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR WILLIAM BARRY, 8839 BEACH RD., TO ALLOW CONSTRUCTION OF A GARAGE 20 FT. FROM THE FRONT PROPERTY (30 FEET OS REQUIRED), 21 FEET FROM THE REAR (30 FT. IS REQUIRED) AND SIDE SETBACKS OF 4 FT. ON THE WEST AND 5 FT. ON THE EAST (MINIMUM 6 FT. IS REQUIRED). (TOTAL OF 15 FT.IS REQUIRED).

Mr. Barry was not in attendance.

Motion was made by Mr. Natali, seconded by Mr. Stewart, to adjourn this case until the May 5, 2008 meeting.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR ONONDAGA COUNTY COMMUNITY DEVELOPMENT, 9427 BEARSPRINGS RD., TO ALLOW CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING WHERE 1 ACRE IS REQUIRED AND THE EXISTING PROPERTY IS ZONED AGRICULTURAL WITH ONLY 20,000 SQ. FT.

Representative: Mark Forbes, Community Development

Mr. Forbes: We want to build a new house just under 1400 square feet. I believe you have copies of the plot plan showing where the house will be located and some pictures of the style of the house we want to build.

Mr. Rabbia: Are you basically following all the setbacks in an agricultural zone, with your proposed layout?

Mr. Forbes: Yes.

Mr. Rabbia: Does someone own this house or are you building and selling it?

Mr. Forbes: We Own the property now. It was a tax foreclosure. We acquired it for the purpose of tearing down and building a new house. We thought it was zoned residential.

O the County Tax, it's listed as Residential R-1. It was news to us that it was agricultural.

Mr. Stewart: You said it's not going to be any larger than 1500 sq. ft. ?

Mr. Forbes: No, it will be just under 1400 sq. ft. , not counting the one car attached garage, which is 200 sq. ft.

Mr. Griola: What do you do with it after you build it ?

Mr. Forbes: We have a home ownership program for first time buyers. We sell it with a grant towards the purchase price. We've built this style house in Mattydale, Nedrow, Town of Manlius, Lyncourt. It's a very nice house. It would be hard to go smaller than that for a three bedroom house. In the area, there are houses with less square feet and some with more square feet.

Mr. Rabbia: Is there a shed back there or has it been taken down ?

Mr. Forbes: The shed will be taken down. The house came down today.

FOR: NONE

AGAINST: NONE

COMMENT:

Mike McCaffery, neighbor across the street, asked if he could look over the plans.

Hearing was closed at 8:12 P.M.

Motion was made by Mr. Stanton, seconded by Mr. Stassi, to approve the area variance for Onondaga County Community Development, 9427 Bearsprings Rd., to allow construction of a new single family dwelling where one acre is required and the existing property is zoned agricultural, with only 20,000 sq. ft., as listed.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Griola:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stewart:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

Motion and unanimous approval made to adjourn the meeting at 8:13 P.M.

I, Nancy G. Morgan, stenographer for the Zoning Board of Appeals of the Town of Cicero, Onondaga County, State of New York, and the person who attended a meeting of the said Board of Appeals, held April 7, 2008 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.

Nancy G. Morgan

April 18, 2008