

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: DECEMBER 7, 2009
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday December 7, 2009 at 7 P.M. at the Cicero Town Hall, 8236 South Main Street, Cicero, New York 13039.

Members Present:	Gary Natali:	Board Chairman
	Charles Stanton	Board Member
	Gary Palladino:	Board Member
	Rita Wicks:	Board Member
	Mark Rabbia:	Board Member
Absent:	Robert Bach:	Board Member, AdHoc
Others Present:	Wayne Dean:	Dir. of Planning and Development
	Melissa Del Guercio:	Attorney
	Nancy G. Morgan:	Secretary

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 Mrs. Wicks, seconded by Mr. Stanton, to approve the minutes of the November 2, 2009 Zoning Board of Appeals meeting. There were no corrections or additions.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Abstain
Mrs. Wicks:	Yes
Mr. Palladino:	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
Mrs. Wicks:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

We have Proof of Posting for all cases on tonight's agenda.

Mr. Natali made the following announcement: Any action taken tonight will not be official until the minutes are filed with the Town Clerk, which has a deadline, by law, of two calendar weeks.

AREA VARIANCE FOR BASSETT FAMILY LLC & FAVA FAMILY LLC, (FRANK FAVA) 7808 ROUTE 11, FOR AN EXISTING BUILDING TO COMPLY WITH THE BULK REGULATIONS. THE FRONT SETBACK IS 13.9 FT. WHERE 50 FT. IS REQUIRED. A VARIANCE IS IN PLACE FOR THE SIDE SETBACK ON THE NORTH SIDE ADJACENT TO ROUTE 481. A VARIANCE IS ALSO REQUESTED FOR THE SIGN TO BE RELOCATED FROM ITS EXISTING LOCATION (IN THE STATE R.O.W.) TO 1 FOOT FROM THE FRONT PROPERTY LINE, WHERE 20 FT. IS REQUIRED.

Representative: Frank Fava

Mr. Fava: We purchased this building in 1978. It was rebuilt into a piano and organ store in the late 70's. Then in 1982 or 83, we had a plan to expand the building on each side. We came before the Board, presented the plan. It was approved and we expanded the property. We had various businesses over the years.

Mr. Fava continued:

Then our neighbor , Sam Dell, wanted to expand his used car business. We leased the building to him. After several years, he had some misfortunes and had to close his business. The building came back to us. We're here tonight to ask for a Sign Variance and at the same time, I'd like to re-establish the Variances we had in 1983, if I can. We had front and side setback granted to add on to this building. At that time, we built a pylon sign on the corner of the property. Now, the State wants us to move this back. So that we don't get too far back on the property, we're looking for a Variance to move the pylon sign about a foot off our property line. The sign that's there now has been there 26 or 27 years.

Mr. Natali: What kind of business do you have in mind ?

Mr. Fava: Basically, we're limited because of the size of the building and what we have there. In the past, we had real estate offices, keyboard store, video store, insurance, small retail, small office.

Mr. Rabbia: Are you going to use the same sign and move it over ?

Mr. Fava: That's what we'd like to do. Just slide it over.

Mr. Rabbia: You mentioned something about re-establishing the Variances that were granted in 1983.

Mr. Fava: We built this building a long time ago. We had to have Variances for both sides of the building and the front of the building to be able to build. Over a period of years, the paperwork and information that took place doesn't exist anymore. At the time, we came before the Board and established these Variances. We don't know how long it's going to take to rebuild it and re-tenant it. We don't want to be in a position where we have to prove we have these Variances that were received years ago. In fact, I think the one Variance was for the previous owner when they put Route 481 in.

Mr. Dean: It really wasn't clear to me when I was going through the old files. There was a Variance granted. It wasn't really clear what it was for. Keeping in mind that Rt. 481 is right there and a fence is there, I believe this building probably did meet the front setback. But then the State widened the road and took more land when they improved Rt. 11. So, I just wanted to re-establish what is there. Also, I don't have it here in my file but Mr. Fava received a letter from the D.O.T. explaining parking in front and allowing him to do that partially on the existing R.O.W., because that R.O.W. is so big.

Mr. Stanton: Do we know what size the existing sign is?

Mr. Fava: The existing sign is about 8 ft. wide and 10 ft. high--about 80 sq. ft.

Mr. Natali: What is the length of the building ? About 100 ft. ?

Mr. Fava: Yes, it is.

Mr. Natali: The size of the sign is fine. Can you expand on what's going in there--you're not sure ? Are you going to lease it ?

Mr. Fava: It's been vacant for a while. It needs a complete renovation. We need to do that first. It needs to be completely remodeled--the inside of the building that is an ongoing process. We want to make sure we have all our approvals in place, then we'll go ahead. The building has been vandalized--kids have taken advantage of it--we need to rebuild it--probably a lot of the way it was. It's really divided into three spaces. We expanded the whole building to fit a bridal salon. But each space has it's own bathroom and HVAC systems--it can be 3 seperate spaces or if someone comes in and says they want the whole space, the walls have been opened up previously. I put a sign up a couple of weeks ago. I've had quite a few calls on it. There's a lot of work to be done on the exterior and the interior.

Mr. Palladino: Do you plan on moving any of the exterior walls? You're just to do internal renovation and bring it up to Code--whatever is required but not the four exterior walls ?

Mr. Fava: No, it's been like this for 28 years. No plans to extend the exterior.

Mr. Palladino: The reason I asked was because of you were going to do some demo on the exterior walls, then we would have to take that into account on the Variances you're requesting.

Mr. Fava: We don't have any plans to move walls or expand it or to add anything to it. It just needs a lot of work--TLC.

Mr. Natali opened the Public Hearing at 7:14 P.M.

FOR:	NONE
AGAINST:	NONE

The Public Hearing was closed at 7:15 P.M.

Mr. Rabbia: Let's make sure we know what we're doing. There's several things we have to look at. The north property line looks like 1.2 ft. The front property line is 13.8 ft. The south side is fine--18.15 ft. The density is 33 or 34 -- that's OK. Total frontage is fine. The sign is a foot off the west line--4.4 ft. off the south side--edge of the sign to edge of the property.

Motion was made by Mrs. Wicks , on behalf of the Bassett and Fava Familys, 7808 Rt. 11, that we approve the following Variances: Side Variance on the north side to 1.2 ft off the rear edge of the building, the west side-- the front of the building at 13.8 ft., which would be the front Variance.

Mrs. Wicks continued:

And a side Variance allowing the sign to be 1 foot off the front of the building or the west side--4.4 ft. off the south side of the building. I will go over the 5 factors to be considered:

1- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties? Answer : No, I believe the esthetics of the property will be maintained and improved. A possible vacant building to obtain occupants and bring people into the Town of Cicero would be a good thing for this section of the Town.

2- Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the Area Variance ? Answer: No, the established building--it's not an option to tear it down or move it. As for the sign, I still think if it were moved back further, it may cause a detriment to traffic and trying to find the establishment that is in there.

3- Whether the requested Area Variance is substantial ? Answer: I think it is but unfortunately I think the building was there prior to the changes in the highway boundaries. It would not have needed the Variance with the original Highway boundary.

4- Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ? Answer: No, I do not see any adverse effects. Having tenants in there would be an improvement.

5- Whether the alleged difficulty was self-created? Answer: This is difficult because on one hand, yes, because we're moving the sign but on the other hand, no, because the original highway boundary would have allowed for the front Variance, but with the highway boundary change, you were put in a position to apply for a Variance. This is not a heavily weighted, deciding factor.

Mr. Natali seconded the motion for approval and made the following comments: I'd like to point out that the Onondaga County Planning Board has to look at all properties that are on State and County highways. In a November 11, 2009 correspondence to the Zoning Board and the Town Board stated that there are no significant adverse community or County implications. Also, add to the motion, the sign will remain the same square footage and height currently existing.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mrs. Wicks:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR JOHN & KATHLEEN HICKS, 9555 CHESTNUT ST., TO CONSTRUCT A HOUSE ON A NON-CONFORMING LOT. THE .3 ACRE LOT IS ZONED AGRICULTURAL WHICH REQUIRES A 1 ACRE MINIMUM.

Representatives: John & Kathleen Hicks, Owners

Mrs. Hicks: We would like to build a small house at 9555 Chestnut St. There's a garage on the lot right now. We would like to add a house about 30 ft. forward of that.

Mr. Rabbia: Have you purchased the property yet ?

Mrs. Hicks: No, we're waiting to see if we can get the Variance.

Mrs. Wicks: Am I correct in assuming you obtained this footprint and kind of drew it on yourself ?

Mrs. Hicks: No, the builder did that.

Mr. Palladino: Do you have another survey with you, other than what we have ? Because this is not to scale. The scale does not indicate what the footages are. Do you have the survey that this came from--that you made the copy from ?

Mr. Natali: Do you have the original survey that he did for you with the updates ?

Mrs. Hicks: The owners are here. They had the survey but they don't have it with them.

Mr. Palladino: This survey that we have a copy of--this was the entire survey for that parcel or was the survey for a bigger parcel and this was chopped off, because this does not make sense to me ?

Mrs. Hicks: They bought a house and adjoining the house they bought was this extra lot, they chose to sell the lot with the house on it.

Mr. Hicks: This could be part of the original.

Mr. Palladino: So, this is part of their survey ?

Mr. Hicks: Yes, it very well could be.

Mr. Stanton: One of the problems we run into--we have to check all the setbacks that are being proposed to make sure they're within the existing bulk regulations and what we're trying to get at is , what was presented to us, when we put a scale to it, we can't tell what they are without the dimensions being enumerated on the plan. We had a very hard time telling exactly where the proposed structure is to be in relation to everything else. I understand you have a 42 ft. offset from the front and 18 ft. from the side but it's very hard for us to tell what the other offset is. Within the Zone you're in, we have a 10 ft. minimum side setback, 30 ft. total. It's hard for us to tell if that 30 ft. total is in there without being able to scale it off. I was out there this afternoon. Are those stakes--?

Mrs. Hicks: Those are something we put in ourselves.

Mr. Hicks: We talked to the builder and he told us about the setbacks. He knew what they had to be. He did this drawing. I put those stakes in myself.

Mrs. Hicks: The house is 34 feet wide.

Mr. Dean to Mr. Stanton: If you look at the setback for the garage, you have 12.4 ft. there and with the 18 ft. you have your 30 ft.

Mr. Stanton: Is the deck going to be covered ?

Mr. Hicks: No, no cover. Mr. Dean did locate it--with his help, we found it conformed with the setbacks.

Mr. Natali: How soon did you plan to start building ?

Mrs. Hicks: We don't have a plan.

Mr. Natali: So, you're looking at springtime possibly?

Mr. Hicks: Yes.

Mr. Natali: What we'd like to request , rather than continue this conversation, we'd like to request your surveyor or theirs, put the proposed new home to scale, with all corners labeled to the property lines,so we can see exactly what you have. Your Attorney is going to require an updated survey with that on it anyway when you go to close on the property. As long as you don't have a time frame, let's do it right.

Mrs. Hicks: Do we have to use the same surveyor ?

Mr. Natali: No, you don't.

Mr. Stanton: The worst thing that could happen is that we could give you a Variance on a side setback and you wind up needing more or it's not something you need. Then you might have to come back to get another Variance.

Mrs. Hicks: So, don't buy the property until we get this ?

Mr. Stanton: We can't recommend anything.

Mr. Hicks: Do we have to re-apply ?

Mrs. Hicks: Do we have to pay another \$200 ?

Mr. Natali: No-no. What I'm going to do is make a motion to defer your case to the January meeting. The date of that meeting will be established by the Town Board. We will let you know. In the meantime, get a new surveyor or whatever you want to do.

Mr. Natali continued:

He'll know exactly what to do. If you need a name, our Code Office has a list of those who have worked within the Town and have a good reputation.

Motion was seconded by Mr. Stanton.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mrs. Wicks:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA & USE VARIANCE FOR KATHLEEN STEVENSON, 5936 LAKESHORE RD., TO CONSTRUCT AN ADDITION ON TO A NON-CONFORMING BUILDING. THE PROPERTY IS ZONED GENERAL COMMERCIAL AND DOES NOT PERMIT RESIDENCES. THE AREA VARIANCE WOULD PERMIT A SIGN TO BE PLACED IN THE LAWN OF A HOME OCCUPATION. HOME OCCUPATION RESTRICTS THE SIGN TO 2 SQUARE FEET AND BE PLACED IN A WINDOW.

Representative: Kathleen Stevenson, Owner.

Mrs. Stevenson: I'm applying for an Area Variance and a Use Variance. I'd like to address the Use Variance first. I purchased this house at 5936 Lakeshore Rd. a little over 2 years ago. I'm now residing there, as of Thanksgiving weekend, with my 2 children. The tax records show it as about 1000 sq. ft. I think it's a little less-- I think they've included a basement room when they made that determination. What I am proposing is to put an addition on the back end of the house. I apologize, my drawing is a little "scrawly". If you look at the actual survey, my builder drew in the proposed addition. It would extend 16 ft. off the back of the existing house --16 ft. X 31.8 ft. The reason that the blueprint drawing looks different from that--it says 22 ft. X 25 ft. -- is because we're actually taking out part of the back of the garage. If you're looking at the survey with Lakeshore Rd. at the top, the garage is on the back, right side of the survey. So, you'd actually be taking out 5 ft. of the back porch, which extends all the way from that corner to the other side and part of the garage, so the actual extension is 16 ft. It is proposed to be 508 sq. ft. I understand it's zoned Commercial, however, the neighborhood is residential. I went through the tax records and the houses from the Lakeshore Spur to Cicero Elementary, on my side of the street, 3 are owner occupied and 3 are residential but not owner occupied. On the other side of the street, from the Spur to Carmenica Dr., there are 11 houses plus one vacant lot. Out of the 11, 9 are owner occupied. It's my understanding that across the street, down one house from me, #5931, she did obtain a Use Variance a few years ago to make an extension on the left side of her house.

Mr. Dean: If I can just add one thing-- that house across the street is zoned Agricultural. That was done about 2 years ago.

Mrs. Stevenson: People are maintaining the neighborhood as residential--across the street, a new roof was put on--we have good realtions with our neighbors--the man on the right side mows our lawn for us--on the left, she's a client of mine and I actually drafted the deed to that house--"Whirling Disc" in back of us on Rt. 31, did my daughter's graduation party. It's a good neighborhood, I like the house and would like to reside there for quite a while. But with two children, a dog and a cat, we really need more space. As far as the Area Variance for the front signage, I am an Attorney and for about four years I've been on the "chopping block" as far as my job. I work for the United Auto Worker's Union. I would like to have a home office. It really would be a great location to have a front lawn sign with all the traffic that goes down Lakeshore Rd. It would be great to have as a means to getting my name out. It would be a small practice --just me. I don't anticipate having a support staff at this time. Perhaps in the future, I would have one assistant but I don't anticipate many cars, traffic, people--just a small, home based practice. I would appreciate it if I can have a lawn sign.

Mr. Natali: Let's address the Use Variance first.

Mr. Stanton: My understanding is, the Use Variance would just be to allow a residence in the General Commercial Zone. Then if everything else is within the bulk regulations, then we wouldn't have to worry about the addition, just any violations of the setbacks.

Mr. Rabbia: There is an Area Variance though. right ?

Mr. Natali: There should be 3 of them on the sides. The addition really isn't in the "ball game" here. Let's talk about the Use Variance. We have several of these around the area where we have homes that were built prior to any type of Code and that's why we have homes in Agricultural areas.

Mr. Rabbia to Mrs. Stevenson: As an Attorney, I'm sure you know proving unnecessary hardship on a Use Variance is probably one of the most difficult things we hear as a Zoning Board. I think this is clearly a stretch of residential homes. I thiink we have to look at this one slightly different, where these are homes. They're kind of a victim of circumstance being in a General Commercial area.

Mr. Natali: Being an Attorney, did you consider the type of zone that was when you bought the property ? Did you know you were going to need a Use Variance down the road ?

Mrs. Stevenson: Yes, I did know about the zoning. It wasn't clear to me what it meant to be zoned Commercial but to bring the building in to compliance with the Commercial Codes, I was really not understanding that very clearly. I actually had conversations with Jay Seitz prior to purchasing it. Because at that point, I thought strictly of using it as a Law Office.

Mrs. Stevenson continued:

It wasn't in my thoughts at that point to actually be residing there but my family circumstances have changed very dramatically since then and I am now residing there with my 2 children.

Mr. Dean: If I could just point out one thing. Uses permitted in all Commercial Districts are services with or without an attached dwelling. So, it is permitted in Commercial.

Mr. Natali: We're not questioning whether it's permitted--we know it's permitted. We're trying to stick with the fundamentals of how we grant a Use Variance. It's very, very strict. As an Attorney, I'm surprised you didn't question it going in--hey, I've got to show excessive hardship here. What do we do down the road, in order to grant this ? Right now, we could ask you, have you tried to sell it ? Have you tried to use it for any other use ? We can even go as far as looking at your Purchase Agreement. You had no contingencies when you bought it, right, that you'd get this approved ? I'm assuming that because you're in there.

Mrs. Stevenson: For an addition on the residence ?

Mr. Natali: No, the addition is not in play here--we're talking about the fact that it's in Commercial-- it's a residential property--that you need a Use Variance. Most people would get the Use Variance before they buy the property.

Mrs. Stevenson: Again, the Use Variance is for the addition for my residence.

Mr. Natali: It's for you to reside there. What we have here is clearly a self-imposed hardship because you didn't buy the property on a contingency basis.

Mrs. Stevenson: My colleague, Attorney Ramone would like to speak.

Mr. Natali: Sure, come on up.

Mr. Ramone: Kate and I are friends. There's one other issue in this case that's a little different--one we discussed--one we didn't want to talk about. Unfortunately--and it happens in many instances--you brought it up and that's hardship. Right now Kate and her husband are going thru a very unhappy divorce. The two of them owned a house jointly. This is where the hardship comes in to play, in a horrible way. The house that they owned, over a long period of time. will go to pieces in the divorce. It will likely have to be sold. She has 2 children. That's something that could not have been thought of long before. It's something that could not have been conceived of when she got involved in this the first time. I know you asked if a lawyer could have contemplated this. Lawyer or non-lawyer, this isn't something you'd think about. Now this house has become ultra important to her because this is the only place that she can live in with her children. When things go to pieces, with the settlement of this divorce, she has no house, she has no place to live in with her kids.

Mr. Ramone continued:

This doesn't become the normal, cold, hard fact that any lawyer can say. "you knew about it." I've been before Judges--Kate's been before Judges--the same question you've asked--"why didn't you think about it?" We all get asked that . But these are things that you don't think about. And this is a hardship that is the toughest. This house means so much to her and her family. She never could have foreseen this when it began. I don't want to tug at your heart strings but this is a tough situation. Kate needs and needs it badly and so does her family. So, we ask you to maybe give her a little special consideration, that in the normal part of the case maybe may not be warranted but this is something that is ultra important. So, we ask you to help out.

Mrs. Del Guercio to Mr. Natali: Can I point out some things for consideration that Mr. Dean and I were talking about. In commenting on all Commercial Districts can have retail sales and service with or without an attached dwelling--I almost wonder if based on what she's asking, if she might want to amend her application such that what she's really asking for is an addition on a non-conforming lot that would allow her to have a home office. If she's identifying the structure as a home office with an attached residence, she completely and absolutely complies with 210-12-C, so she wouldn't need a Use Variance--as long as we keep the focus on the home office.

Mr. Natali: Wayne, do you agree with that ?

Mr. Dean: I agree with that.

Mr. Stanton: I like that because that totally takes out of play the fact that you have to prove a hardship and the financial portion of it.

Mr. Dean: When I wrote this up--and I apologize for the confusion--I wrote up that a Use Variance was required because of the sign she is requesting. A home occupation only allows for a 2 sq. ft. sign placed in a window, which I am opposed to on a road like this. It's fine for a tract where people drive 20 MPH but on a road where traffic is going 35 to 40 MPH, I don't think a 2 sq. ft. sign in a window is good for anybody. She asked to place a sign on the lawn and I said that would require a Use Variance. Whether that's right or wrong--I don't know if that's a Use Variance or just an Area Variance. It would seem to me that it's a Use Variance.

Mr. Natali to Mrs Stevenson: Would you like to amend your application then ?

Mrs. Stevenson: My understanding from previous conversations with Wayne is that I needed the Area Variance for the front signage because the setback of the house was insufficient.

Mr. Natali: Where it's supposed to be placed according to the Code instead of in the window at 2 sq. ft., he's suggesting an Area Variance so that you could put it out further and you could have a larger sign.

Mrs. Stevenson: Yes, a lawn sign, that was the idea.

Mrs DelGuercio: Did we publish an Area and Use Variance? The answer was yes. So, we don't have to re-publish it. So, we can grant an Area Variance with a non-conforming Variance and a sign Variance. I think she should be covered as long as she's calling it her home office.

Mr. Rabbia: At some point , she has to say she wants to call it a home office.

Mrs. DelGuercio: I'm actually hearing that's what she bought it for was a home office and now she wants to attach a dwelling, which is permissable under Commercial District use. I don't think she needs a Use Variance. She needs a sign Variance.

Mr. Natali: She changes her application to apply for a home office in a residence and ask for a sign Variance. What size would you consider--you don't want anything too big ? What do you think, Wayne ? No greater than 3 ft. X 5 ft. ? The Board discussed the size of Jim Corl's sign on Rt. 31. Let's say no bigger than Mr. Corl's sign. Is that something you could live with ?

Mrs. Stevenson: Yes, I could. Thank you.

Mrs. Wicks: Mr. Chairman, I'm having problems with the sign. The Code clearly states that for a home occupation, there will be no signs in front. I guess I'm worried that if we allow this Variance, how many more home occupations are we going to have flooding the Town, asking for a Variance for a home occupation sign. I'm not familiar with Mr. Corl's situation with the sign, The Code states clearly that for a home occupation, there will be no signs in front. I guess I'm worried that if we allow this Variance , how many more home occupations are we going to have flooding the Town asking for a Variance for a home occupation sign. I'm not familiar with Mr. Corl's situation. Can you explain that to me?

Mr. Natali: He's actually in a Commercial Zone on Route 31. And this is Commercial so it would be the same. We're not treating this as a home occupation.

Mr. Rabbia: I can see Rita's point though--a sign out in front of this house--in my mind, it changes the character of the neighborhood a little bit.

Mrs. Stevenson: Dunkin Donuts is 4 houses down.

Mr. Rabbia: I understand , it's a business.

Mr. Natali: If it is purely residential--remember this is Commercial. She could tear this down and build a buiness.

Mr. Rabbia: It's just my opinion. Once you get past the Pizzeria and Dunkin Donuts, everything has the look and feel of a residential neighborhood but it's zoned General Commercial.

Mr. Natali: That's the big question. Will one sign change the complexion or look of the neighborhood? That's why we have 5 voices up here. We do not have a pre-agenda meeting. We do not discuss these cases between us, coming into the meeting. That's why we have this important "give and take" and why it's important that 2 people have expressed how they feel about the sign.

Mr. Stanton: I'll be honest. I drive by this house 2 or 3 times a day--very aware of the nature of the neighborhood. Starting out with this I was opposed to having a sign because I believe it would change the character of the neighborhood. But, I think with the home occupancy and it being set back from the road, having a small sign in the window really doesn't serve you too well as far as advertising and trying to pick up new business, which is why trying to compare this to a real estate sign or something like that this is maybe a little smaller and out by the road--a little smaller than what Mr. Corl has and also placing limits on material, having it made out of wood.

Mr. Rabbia, I was thinking maybe putting it parallel to the road instead of perpendicular --set back a little bit.

Mrs. Wicks: Do you find that the neighbors would have a problem looking down the road and looking at traffic ?

Mr. Stanton: I think making it parallel with the front of the house alleviates a lot of that. If we say for example that it's a 3 ft. X 2 ft. sign--it's not going to be 6 or 8 feet up in the air. I think that will keep it out of the way of sight lines.

Mr. Rabbia: As we're talking, I'm thinking about my dentist office. He has a nicely done wood sign--it looks nice--it's parallel to the road--it's not a real estate type sign that would detract from the nature of the neighborhood.

Mrs. Stevenson: I was thinking of a very good looking wood sign. I have a friend that's an excellent carpenter.

Mr. Stanton: Another thing I used to talk myself into this was that we're talking about a very limited portion of the entire stretch. You don't have General Commercial running all the way up Lakeshore Rd.--it's just these first few properties.

Mr. Palladino: I didn't have a problem with the Variances requested but I did have a problem with the sign. I look at signs being out on the road, facing or perpendicular to the road, as more of an impulse or "grabber" type thing, and I don't see someone driving down the road saying "hey, I've got to get a lawyer". To me that would be something you'd have in the Yellow Pges and that type of word-of-mouth is where you'd get your business from not a sign. Depending how aggressive you are with your sign because it doesn't say anything here as to size or texture, whether it would be back lit. I have concerns about the school. There is a play ground there. If you place a sign perpendicular there, it's going to block momentarily, someone's view or vision. I'd classify my problem with the sign as the size and how it would be located.

Mr. Palladino continued:

If you can address that, then perhaps I can get over the fact that like I said, I think most signs are impulse items. I don't see Attorneys having impulse.

Mrs. Stevenson: I actually did read about building a Law Practice business. He says a lawn sign can be very useful in generating business because even if you don't need an Attorney immediately, think of the 100's and 100's of cars that drive down Lakeshore Rd. everyday. People will see the sign and my name and at some point when they do need an Attorney, then my name could come to mind. I think it can be very significant to me that way. As far as it being a visual impediment, we have a very large tree in our front yard as well. I don't see a lawn sign creating a visual barrier.

Mr. Palladino: Do you have an idea where you want to place your sign? I thought in the window was great, I know I'm in the minority on that.

Mrs. Stevenson: The traffic goes by--I don't think anyone would see it.

Mr. Palladino: I know Attorneys that don't even advertise in the Yellow Pages.

Mrs. Stevenson: That's true. It takes a while to build. I've been with the UAW Legal for 18 years and I don't have a portable client base. I really have to start from scratch at middle age.

Mrs. Wicks: I like your idea Mark. A very elegant sign in front and word-of-mouth will be your best advertisement.

Mr. Natali opened the Public Hearing at 7:56 P.M.

AGAINST: Jim Piazza, a neighbor: This whole ledge is General Commercial. I'd like a little clarification. Is the purpose of that that someday this is all going to be developed?

Mr. Natali: Not unless every resident sells. Maybe some day they will.

Mr. Piazza: My question is why is it General Commercial when it's all residential?

Mr. Dean: That was in the Town's Plan when it was re-zoned. I was not here at that time. I'm not aware of what their thought process was when that was changed.

Mr. Natali: Maybe someone on the Board had a couple homes there. If people don't sell out like when Home Depot came in to the Pine Grove Rd. area. Once a few sold, then more sold. That's how it works.

FOR: Jessica Zambrano, Councilwoman Elect: It seems to me, if the area where she wants to have a home office is zoned Commercial, I'm not quite sure about the reservations the panel members are expressing. If it's zoned Commercial, I think she's within her rights to establish a home practice and have a sign.

Ms Zambrano continued:

I understand their concern about gaudy signs and appreciate the esthetics you're trying to maintain about that. It seems to me, this lady is trying to establish her practice in a Commercial Zone.

Mr. Rabbia: What we're balancing against is a home occupation sign per the Code can't exceed 2 sq. ft. and no exterior sign. That's the debate.

Mr. Natali: As far as the practice is concerned, that's not a problem, the issue is the sign. If we really want to pinpoint it, does the sign, no bigger than 3 ft. X 5 ft., constitute a change in the neighborhood. That is only one of the five issues, but it's a big one. While we're at it, why don't we discuss some of the other points. I'd like to make it clear, it is self-imposed. That's #5. That doesn't count or throw us into voting against the Variance. Can it be achieved by any other method? You could have a smaller sign but that is not what you want--you want identification. Whether it's substantial? I don't think it's a substantial request asking for a larger sign than 1 ft. X 2 ft. (2 sq. ft.) You're right--it probably wouldn't be seen in the window of your home. Will there be any environmental impact? The drainage is what it is now and everything else has been in tact so there's no effect there. So, it boils down to, will a sign adversely effect that neighborhood. That's the issue this Board has to vote on.

Mr. Rabbia to Mrs. Stevenson: You said when you looked at the house and talked to Jay Seitz a couple of years ago, was the intent at that time to have just the practice there with no residence or were you thinking residence at the time.

Mrs. Stevenson: Just the practice at that time. I didn't know I would need it for a residence at that time.

Mr. Natali closed the Public Hearing at 8:02 P.M.

Mr. Natali made a motion to approve the Area Variance to construct a Law Office at 5936 Lakeshore Rd. and the sign to be no larger than 3 ft. X 5 ft., made out of wood and that it be parallel to the residence. I'd prefer that it not be lit. Enough people will see it in the daytime.

Mr. Rabbia: I like your motion. I wonder if we need to include the front setback also.

Mr. Natali: In addition, we're including the following setbacks: The front setback is 39.3 ft. where 50 ft. is required in GC. The west side setback is 10.8 ft. where 15 ft. is required. The minimum depth in GC is 200 ft. and they have 187.5 ft. Just a reminder that it can't be any closer than 20 ft. to the street line.

Motion was seconded by Mr. Stanton.

Mr. Dean. Her property runs from the center line of the road. Usually, we would assume the 24.75 ft. is the actual street or property line. She would have to be 20 ft. back from there or 44.75 ft. from the center line of the road.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mrs. Wicks:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

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Motion was made and unanimously approved to adjourn the meeting at 8:08 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 said Board of Appeals held December 7, 2009 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.

Nancy G. Morgan

December 18, 2009