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STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: JANUARY 14, 2009
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Wednesday January 14, 2009 at 7 P.M. at the Cicero Town Hall, 8236 South Main Street, Cicero, New York 13039.

Members Present:	Gary Natali:	Board Chairman
	Gary Palladino:	Board Member
	Rita Wicks:	Board Member
	Mark Rabbia:	Board Member
Absent:	Charles Stanton:	Board Member
Others Present::	Wayne Dean:	Director Planning & Development
	Melissa DelGuercio:	Attorney
	Nancy 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 Mr. Rabbia, seconded by Mr. Palladino, to approve the minutes of the December 1, 2008 Zoning Board of Appeals meeting.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

Motion was made by Mr. Natali, seconded by Mrs. Wicks, 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. Natali:	Yes

Motion duly carried.

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

AREA VARIANCE DEFERRED FROM 12/1/08 MEETING FOR SOUTH BAY FIRE DEPARTMENT, 8819 CICERO CENTER ROAD, TO ALLOW THE RECONSTRUCTION OF PORTIONS OF THE EXISTING FIRE STATION WITH NONCONFORMITIES. THE FRONT SETBACKS WOULD BE 45 FEET 8 INCHES WHERE 50 FT. IS REQUIRED AND THE BUILDING WOULD BE 13,400 SQUARE FEET WHERE 8,000 FEET IS ALLOWED.

Representative: Joseph Chiarizia, South Bay Fire Department.

Mr. Rabbia: The last time, that one dimension was in question, right?
To the property line?

Mr. Chiarizia: Yes, they redid the dimensions.

Mr. Rabbia: Is that 20 ft. 10 in.?

Mr. Chiarizia: Yes. I believe the other issue was the driveway--to make it 40 feet.

Mr. Rabbia: They were able to do that, right?

Mr. Chiarizia: Yes. And the County asked for this storm drainage. Being that we're not changing any of the existing drainage or land, why is there a need to put in these storm basins, which is an additional cost to the Fire

Department? Nothing has been done to change the lawn, the drainage, the parking or anything.

Mr. Dean: I'll try to get an answer for you tomorrow.

Mr. Chiarizia: The building that we're doing will have roof drains that will go into the storm drain so there's no additional run-off--actually there's less.

Mr. Rabbia: That's not our area--just setbacks and dimensions.

Mr. Chiarizia: It's just the cost. We're trying to stay within our budget.

Mr. Natali: We'll get an answer. However, we do not have to go along with their recommendations in order to give approval. What time are you looking at for construction start?

Mr. Chiarizia: We'd like to go to bid in late March and get started by April, May at the latest.

Mrs. Wicks: Traditionally you see a fire house, you'll see most of the apparatus comes out towards the road, sits on the apron, awaits the crew, then turn on the lights. People coming down the road see the lights and have plenty of time to see you coming. I don't understand why you're exiting the side.

Mr. Chiarizia: Only because the existing building behind us has to be knocked down in order to get far enough off that road. We have an existing building we're tying on to.

Mrs. Wicks: So pushing it back--making it longer and having all your apparatus come out the front---

Mr. Chiarizia: That's how it is now. We don't have enough room behind the truck for safety for people behind it. We had to modify the trucks as it is so they would fit in the existing building. Just coming out another 10 ft. isn't going to give us the room we need. Just doing this, it gives us the room to bring NAVAC in there 24/7, which is our main goal, to bring them out to this northern section to cover Bridgeport, Cicero, and Brewerton to cut their response time in half.

Mrs. Wicks: So you have explored elongating the front but it wasn't going to work?

Mr. Chiarizia: We also worked with the County on this project. If we came out the side like we do now, we would be infringing on County property.

Mr. Wicks: OK, understood. You also have handicapped parking behind that. When you have people coming in, entering there for a function, and you have a response, I can see the handicapped panic. Do you have another entrance that could be used?

Mr. Hawks: We do have 2 entrances that have to be modified, which could be done to make them handicapped because you've got to access it on the other side.

Mrs. Wicks: We're here to serve and protect the public. I appreciate your answers.

Mr. Hawks: That wouldn't happen very often because the only time that handicapped people would be there would be for a function, which isn't very often.

Mrs. Wicks: Are you looking to do that more often so you can generate more revenue?

Mr. Rabbia: How many times a month do you respond to out of that building?

Mr. Hawks: Approximately 30 per month.

Mr. Natali: So you're looking for no closer than 29 ft, to the road, right?

Mr. Rabbia: No, 20 ft. 10 in.

Mr. Hawks: That's to the property line--I believe the center of the road.

Mrs. Wicks: Is it your intention to have lawn and shrubbery so that your members can't park in front?

Mr. Hawks: Yes.

Mr. Rabbia: There's a curb cut, right?

Mr. Hawks: Yes.

Mr. Rabbia: Have you talked about putting the apparatus building on the west side of the existing building?

Mr. Chiarizia: We did look at that, we looked at knocking the existing building down, we've looked at this every which way we can. Economically, this is about the best way we can do it and come close to our budget.

Mr. Natali opened the Public Hearing at 7:11 P.M.

FOR: NONE
AGAINST: NONE

Hearing was closed at 7:12 P.M.

Mr. Natali made a motion to approve the Area Variance for South Bay Fire Department, 8819 Cicero Center Rd. And in doing so, I've considered the impact on the neighborhood and in support of this variance, I've considered the possible detriment to the health, safety and welfare of the neighborhood, as it weighs against the benefit of the applicant. Based on my personal observations, the information that we have received today and last month, I've considered the following factors:

- 1- Whether there will be an undesirable change in the character of the neighborhood. There will not be. This has been there for many years. The property and its appearance will be improved and it's productivity.
- 2- Whether the benefit sought by the applicants can be achieved by an alternative method. This has taken a lot of consideration to make it most effective by having it exactly where it is and with the apparatus approaching or leaving the building from the southeast.
- 3- Whether the request is a substantial variance. Granted 30 feet could be considered a lot but in this case, it won't have that much effect as a factor weighing on my decision.
- 4- Would the Variance have an adverse impact on the physical and environmental conditions in the neighborhood? As stated earlier, there will be less run off and if necessary, drainage will be addressed if there is a problem and it will be checked on by the Code Enforcement Officer.
- 5- Whether the situation was self created. I have to say it is. They bought the building "way back when". They've added to it at least 2 other times. This does not weigh heavily in the over all factors.

Mr. Rabbia: One thing you should consider in factor 3 is that the building is 13,400 sq. ft. , where 8,000 sq. ft. is required in Neighborhood Commercial.

Mr. Natali: Yes, thank you. That's the first part of the variance is setback. The second part would be that the overall requirement for building square footage for a building in Neighborhood Commercial would be 8,000 sq. ft. This would be 13,400 sq. ft. I would like this approved as part of the variance.

Mrs. Wicks seconded the motion.

Mr. Rabbia: Did you mention the dimension for the side setbacks?

Mr. Natali: Also part of the motion, it should be no closer than 20 feet from the front property line.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

AREA VARIANCE FOR RICHARD LAROCHE, 7621 EAST TAFT ROAD, TO ALLOW THE CONSTRUCTION OF AN ADDITION TO A RESIDENCE WITH A SIDE SETBACK OF 8 FEET WHERE 15 IS REQUIRED AND A FRONT SETBACK OF 42 (+/-) FEET WHERE 50 FEET IS REQUIRED.

Representative: Richard Laroche

Mr. Natali: We're all set with the Use Variance and non-conforming lot now? We're just talking about your side and front setbacks.

Mr. Rabbia: We're handling the residence, now we're dealing with the setbacks?

Mr. Natali: Right. He has a side setback of 8 ft. where 15 ft. is required and a front setback of 42 ft. where 50 ft. is required. We were considering his nonconformance but he already had that taken care of when he got the Use Permit, which we did not know about at the November meeting.

Mr. Rabbia: It says in your application, you have a 42 ft. front setback. On the survey it says 47 ft.

Mr. Dean: The 47 ft. to the existing building doesn't include the addition off the front .

Mr. Rabbia: The porch which is 5 feet?

Mr. Dean: Right.

Mrs. Wicks: It is my understanding, this is going to be a covered porch, not enclosed?

Mr. Laroche: Yes.

Mr. Palladino: And the back area is already closed in, correct?

Mr. Laroche: Correct. I've got all the inspections--electrical, building inspector.

Mr. Dean to Mr. Natali: Just for your information, we allowed Mr. Laroche to continue construction, even though he didn't have a variance--so he could close it and it wasn't standing open to the weather.

Mr. Natali opened the Public Hearing at 7:22 P.M.

FOR: NONE
AGAINST: NONE

Hearing was closed at 7:23 P.M.

After discussing the 5 factors and there being no objections, motion was made by Mr. Rabbia, seconded by Mr. Natali, to approve the Area Variance for Richard Laroche, 7621 East Taft Rd. , to allow the construction of an addition to a residence with a side setback of 8 feet where 15 feet is required and a front setback of 42 ft where 50 ft. is required.

Motion was put to a vote , resulting as follows:

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

Motion duly carried.

Motion was made and unanimously approved to adjourn the meeting at 7:30 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 January 14, 2009 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.