

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: NOVEMBER 2, 2009
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday November 2, 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
	Robert Bach:	Board Member AdHoc
	Gary Palladino:	Board Member
	Rita Wicks:	Board Member
Absent:	Mark Rabbia:	Board Member
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 Mr. Palladino seconded by Mr. Stanton, to approve the minutes of the October 5, 2009 Zoning Board of Appeals meeting. There were no corrections or additions.

Motion was put to a vote, resulting as follows:

Mrs. Wicks:	Yes
Mr. Palladino:	Yes
Mr. Bach:	Yes
Mr. Stanton:	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:

Mrs. Wicks:	Yes
Mr. Palladino:	Yes
Mr. Bach:	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 VISION DEVELOPMENT (SOLVAY BANK) ,
7897 BREWERTON ROAD , TO CONSTRUCT A DRIVE THRU
CANOPY WITH A SIDEYARD SETBACK OF 4 FEET 2 INCHES
WHERE 15 FEET IS REQUIRED.

Representative: Patrick Donegan

Mr. Donegan: We're here tonight to discuss the conversion of the former "Starbucks", at the corner of Hogan Rd. and Route 11, to Solvay Bank. As part of the conversion, they would like to add a canopy over the 2 lanes currently existing between the two buildings, to allow customers protection from the elements when they're doing their banking. Currently, these parcels are considered 2 separate parcels, an inconvenient truth. Therefore, the canopy over the 2 lanes currently existing between the two buildings, to allow customers protection from the elements when they're doing their banking.

Mr. Donegan continued:

Currently, these parcels are considered 2 separate parcels, an inconvenient truth. Therefore, the canopy will need relief for the side yard setback of 15 ft. It ranges from 4 ft . 6 in. to 6 ft. 4 in. The Board members should all have an updated plan in front of you depicting the site plan.

Mr. Natali: Will they be able to get a drive thru and an ATM through that one lane ?

Mr. Donegan: It's my understanding that there's going to be a full service window adjacent to the building, in addition to an ATM, in the full-service lane. So you can pull up to the ATM, after hours, in the full service lane closest to the building. Then there will be an ATM lane on the outside. At this point, I think they're undecided about doing a tube system and adding that second full service . I imagine it will remain an ATM lane. It will be one way traffic thru there as well. Concerning the ITE statistics for traffic study you brought up, we did talk to Clough Harbor & Assoc. today and Mr. Washburn in the State Permit Dept. of DOT. He was taken back that they would make that comment. We did create a letter that was sent to Mr. Washburn this afternoon. I gave a copy to Mr. Dean this evening. The sum and substance of it is: The original development with the Ruby Tuesday's and Starbucks anticipated a 212 car count for the entire week. The Bank actually reduces the amount of traffic to 122 cars. The weekend traffic is probably part of the reduction. Mr. Washburn told us, verbally today, he's good with this. He doesn't see any issues whatsoever or requirement for any mitigation made to this intersection.

Mr. Stanton:One of the other concerns the Onondaga County Planning Board brought up was that they thought there was inadequate space on the outside turning lane going to the drive thru to be able to fit a car thru there and not cross over onto the adjacent property, so they started talking in terms of getting an easement on each parcel.

Mr. Donegan: We did create an Easement back when we got approvals for Starbucks and Ruby Tuesdays for both these parcels to ingress and egress.

Mr. Stanton: You have a reciprocal agreement between the two ?

Mr. Donegan: Yes, they both share the expenses and everything associated with it.

Mr. Stanton: OK.

Mr. Palladino: The outside lane--the lane that was being used by Starbucks--is that now going to be the outside lane or are you adding another lane for the ATM and drive up ?

Mr. Donegan: There's currently 2 existing lanes there. Starbucks only had a single drive thru so one of the lanes was used for the Starbuck's pickup window and the other one was just a passby lane that was rarely used.

Mr. Palladino: So, you are going to use the passby lane?

Mr. Donegan: Yes. As you can see , we've increased the curbing and the striping a little bit to demarkate the fact that those 2 lanes would be ONE WAY for the drive thru. We'll stripe it as well to denote ONE WAY traffic thru there. That will get the traffic circulating back around and queuing up for the intersection. For some reason Starbucks had a double exit but they never did a double drive thru.

Mr. Palladino:I just wanted to make sure I was looking at it correctly. It seemed like the outside lane was going to be used--it wasn't going to be increased so it encroached on the adjoining property.

Mr. Donegan: A portion of that lane is on the adjoining property, as it stands now.

Mr. Palladino: But you're not going any further?

Mr. Donegan: No. And both properties are owned by Vision Development, Inc., which is me. The inconvenient situation here is the plaza was purchased by me 12 or 13 years ago and has an old mortgage with Mr. Steven's widow. This property was pruchased two years ago and has a mortgage with M & T Bank. Legally, they have to be kept seperate until Mrs. Steven's mortgage is resolved. Eventually, I'll combine it and clean up the situation.

Mrs. Wicks: On the south side of the brick building, is there any emergency egress/ doors that would empty into those two parking lanes ?

Mr. Donegan: At the present, there are no exits on the south side of that building. All the exits are at the rear of the building and the front of the building. We did add a sidewalk and curbing along there with a grass strip between the sidewalk and curbing for safety back when we got our initial site plan approval for this project.

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

FOR: NONE
AGAINST: NONE

Mr. Dean: The only reason this Variance is being asked for is for the canopy. Normally, I would be against it for fire reasons but because the building on the north is a masonry building, I don't think there's any problem at all.

The Public Hearing was closed at 7:12 P.M.

Mr. Stanton went over the 5 factors considered when granting a Variance:

5 factors continued:

1- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties be created? Answer: No. We're proposing to occupy a vacant building so it's actually a good thing.

2- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance ? Answer: No. The only solution would be to demolish the existing building and create a new one that doesn't have the setback.

3- Whether the requested Area Variance is substantial? Answer: No, largely because there's a reciprocal agreement between the 2 properties allowing cars coming to Solvay Bank to traverse the property line, without infringing on someone else's property.

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. Repeating that there's a reciprocal agreement between the adjacent properties and occupying a vacant building.

5- Whether the alleged difficulty was self-created ? Answer: This was somewhat of a self-created difficulty because the building is where it is and because of that the canopy has to be where it is, therefore a Variance is required. This is not a deciding factor.

Motion was made by Mr. Stanton, seconded by Mr. Natali, to approve the Area Variance for Vision Development (Solvay Bank) , 7897 Brewerton Rd., to construct a drive thru canopy with a sideyard setback of 4 feet 2 inches where 15 feet is required, as illustrated in the drawing entitled "Enlarged Site Plan and Landscape Plan" dated 10-9-09.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

Motion was made and unanimously approved to adjourn the meeting at 7:15 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 November 2, 2009 and took minutes of said meeting , do hereby certify that the foregoing is a true and correct transcript.