STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: OCTOBER 5, 2009
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday October 5, 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
Absent:	Robert Bach:	Board Member, AdHoc
	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 Mrs. Wicks, seconded by Mr. Palladino, to approve the minutes of the September 9, 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. 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:

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 willl not be official until the minutes are filed with the Town Clerk, which has a deadline, by law, of two calendar weeks.

AREA VARIANCE , DEFERRED FROM 9/9/09, FOR WAYNE E. CARROLL, 5419 BENNETT STREET, FOR AN AREA VARIANCE TO VIOLATE THE SETBACKS OF AN INDUSTRIAL PARCEL (FRONT SETBACK=75 FEET/63 FEET PROPOSED, REAR SEETBACK=25 FT./23 FT. PROPOSED, SIDE SETBACK=30 FT. /4 FT. PROPOSED.)

Representative: Wayne E. Carroll, Owner

Mr. Carroll: I have the materials I was lacking at the last meeting, when I requested a Variance for my addition and I believe you all have a copy of my survey. I've also reduced the original request in size from 18 ft. to 16 ft. on the east to west portion and the length is still 44 ft.

Mrs. Wicks: I appreciate your due diligence and I like what you're going to do. I have no questions.

Mr. Stanton I think we exhausted our questions at the last meeting.

Mr. Natali opened the Public Hearing at 7:05 P.M.

FOR: NONE
AGAINST: NONE

The Hearing was closed at 7:06 P.M.

Mr. Stanton: I'd like to note that we approved the Use Variance at our last meeting. The 5 factors considered for an Area Variance were reviewed:
1- Whether an an undesireable change is produced in the character of the neighborhood or a detriment to nearby properties would be created ?
Answer: No. This property is isolated between railroad tracks and a boat yard. The proposed offset is consistent with our 10 standards, even though this is an Industrial lot.
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. This addition can not be constructed without violating the setback. The existing house violates those setbacks.
3- Whether the requested Area Variance is substantial ? Answer: No. When compared to the 40 % coverage requirement that we have for an Industrial property, the addition and the existing house are going to be at 21.6 %.
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. Because you have the railroad tracks on one side of your house and the boatyard on the other.
5- Whether the alledged difficulty was self-created ? Answer: Yes, but this is not a deciding factor. You chose to add on to a house on a non-conforming lot.
I don't believe the existing house has been granted a Variance before based on the setbacks. I would like to approve the Area Variance for Wayne E. Carroll, 5419 Bennett St. , for the construction of an addition to a residence on a parcel zoned Industrial. The lot area is 7,330 sq. ft., where 20,000 sq. ft. is required. The lot width is 54 ft. where 100 ft. is required. The lot depth is 142.8 ft. where 200 ft. is required. The front setback is 63.24 ft. where 75 ft. is required. The side setback to the proposed addition, from the west property line is 6.02 ft. where 30 ft. is required. The side setback to the existing porch from the east property line is 0 ft. where 30 ft. is required. The rear setback to the existing deck is 13.5 ft. where 25 ft. is required.

Mr. Dean to Mr. Stanton: Can I make a correction ? The lot width is 54 ft. The 67 ft. goes to the adjoining property. This fact was corrected in the motion for approval.

Mr. Palladino: Do you mean the river side ?

Mr. Dean: No, the street side. The width of the lot is 54 ft.

Mr. Natali: You could note, the number of Variances is in access but we wanted to straighten out, for the record, all of the setbacks.

Mrs. Wicks seconded the motion to approve.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

AREA VARIANCE FOR KURT AND NANCY SNYDER, 6429 LONG POINT RD. TO CONSTRUCT A RESIDENTIAL ADDITION TO A HOUSE ON A NON-CONFORMING LOT. THE LOT IS 50 FT. WIDE WHERE 75 FT. IS REQUIRED.

Representative: Kurt Snyder, Owner.

Mr. Snyder: We would like to extend the kitchen out from the north wall. It will be an exterior 66 sq. ft. addition to make the kitchen and dining area larger The interior wall will be 60 sq. ft. He showed the Board a large photo that has the existing circumstances. A couple people have asked me about a drawing you have. That drawing has an arrow that points to the new addition. It makes the box that has the explanation look almost like the addition up against the property line. It's just a descriptive placement the Architect put on there.

Mr. Natali: Since there were no questions, he opened the Public Hearing at 7:38 P.M.

There was no one in attendance to speak either FOR or AGAINST.

The Hearing was closed at 7:39 P.M.

Motion was made by Mr. Palladino to approve the Area Variance for Kurt and Nancy Snyder, 6429 Long Point Rd., to construct a residential addition to a house on a non-conforming lot. The lot is 50 ft. wide where 75 ft. is required. There are no other Variances for the property. The side and rear setbacks comply and the total square footage of the existing building, with addition, complies with the coverage.

The 5 factors we meed to consider are:
1- Whether an undesireable change would be produced in the character of the neighborhood or a detriment to nearby properties ? Answer: No. We're talking about a 66 sq. ft. addition, which is on the back of the house covering a porch and making a kitchen-dining area bigger.

Mr. Palladino continued:
2- Whether the benefit sought by the applicant can be achieved by a feasible alternative ? Answer : No. The actual Variance is not for the addition, it's because it's a non-coonforming lot.
3- Whether the requested Variance is substantial ? Answer: No, not at all.
4- Will the Variance have an adverse impact on the physical or environmental conditions ? Answer: No. It will not effect drainage, runoff or site of view.
5- Whether the alleged difficulty was self-created ? Answer: No. It's a non-conforming lot and that's what we're contending with.

Motion was seconded by Mr. Natali.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

Motion was made and unanimously approved to adjourn the meeting at 7:41 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 October 5, 2009 and took minutes of said meeting , do hereby certify that the foregoing is a true and correct transcript.

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Nancy G. Morgan October 9, 2009