

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: DECEMBER 6, 2010
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday December 6, 2010 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
	John Winters:	Board Member
	Mark Rabbia:	Board Member
Absent:	Robert Bach:	Board Member Ad Hoc
Others Present:	Wayne Dean:	Dir. of Planning and Development
	Terry Kirwan Jr:	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.Stanton, seconded by Mr.Palladino, to approve the minutes of the November 1, 2010 Zoning Board of Appeals meeting. There were no corrections or additions.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Abstain
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

Motion was made by Mr. Natali, seconded by Mr. Rabbia, 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. Winters:	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 MARY GRABOWSKI, 7487 WEST MURRAY DRIVE , TO CONSTRUCT A NEW DWELLING IN THE SAME FOOTPRINT AS THE EXISTING STRUCTURE. THE LOT WIDTH IS 50 FEET WHERE 75 FEET IS REQUIRED. THE TOTAL SIDE YARD SETBACK IS LESS THAN 15 FT. WHERE 15 FT. IS REQUIRED. THE MINIMUM SINGLE SIDE YARD SETBACK IS LESS THAN 6 FT. WHERE 6 FT. IS REQUIRED.

Representatives: Mary Grabowski, Owner
Joseph Grabowski, Son
Robert Bushey, G & I Homes

Mrs. Grabowski: I want to tear down what I have and put up a modular home.

Mr. Palladino: Are you going to keep the garage ?

Mrs. Grabowski: Yes. The garage will be re-sided to match the house.

Mr. Rabbia discussed having the new house on the same footprint.

Mr. Bushey discussed the crawl space, the chimney and the 12 ft. sections.

Mr. Stanton: Assuming the foundation will be the same, could you slide the house over ?

Joe Grabowski: We have followed all the steps that were required of us, in good faith. The existing building is in shambles--it's got to come down. We're doing this to make it better. We want to put something new up for my Mom to enjoy in her later years.

Mr. Stanton: Are there any plans for another deck on the house ?

Mrs. Grabowski: Yes, on the lake side.

Mr. Palladino: Will the deck be covered ?

Mrs. Grabowski: No.

Mr. Palladino: You're not going to put the shed up that's attached to the house on the west side ?

Joe Grabowski: No, that will be gone.

Mr. Rabbia: On the south corner, where the 8.5 ft. and the 13.3 ft. come together, wouldn't that be the closest part of the structure to the property line?

Mr. Stanton: Yes, there's a slight cant to it there--if they put it back square ...

Mr. Natali: Are you agreeable with that--instead of putting it exactly on the footprint that you have ?

Mrs. Grabowski: I guess so--they know more about it than I do.

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

FOR: Jon Cooley, speaking for his mother and father's property at 7489 Murray Dr. W., on the east side of the Grabowski property. I am in favor of the Grabowski property improvement. But, I do have other questions. Right now, what you have on Murray Dr.--I'm not sure if it's this Board's responsibility or not--is to the west of this property, there's not even a property line you can discern. I have some photos to show you. The home that is next door that was built within the last 5 years, and this gentleman is recommended giving more space, by inches, has a shed that is on the property line of the Grabowski's. I don't know if a permit was given for that--I'd like to find out. Also, it doesn't seem logical that the Town is limiting the property owner to be "hung up" on the same footprint when there's 35 ft. between the south boundary of their home plans and their garage--and the Town approved a new home to be built nextdoor 3 years ago that's usurping all of that space. I have photos taken last week, when the property to the west of the Grabowski's was approved, by the Town, a few years ago.

Mr. Cooley continued:

There was a drainage ditch underneath there--I'm not positive but I've heard--I can tell by what I see, that the Town approved that to be plugged. So, the water that was running into Oneida Lake (since we were kids) and let our properties drain--I know it's low out there--now is flooded like it was last week. I'd like to make this work and I know it will because I have good neighbors out there but there's some work to be done, in terms of flexibility on these footprint plans and doing the proper thing with the neighbors to the west so our property integrity is maintained as is the property values in the Town.

Mr. Natali: Thank you for your comments. I'll address the one issue that effects this Board. You are in favor of this project going forward?

Mr. Cooley: Absolutely.

Mr. Natali: The other issues are not germane to this Board. However, you can take them up with Mr. Dean by making an appointment with his office. He'll be glad to entertain those issues but they are not appropriate for this Board to comment on.

Mr. Rabbia: This doesn't total up to 50 ft. right now , does it ?

Mr. Stanton: It's about 49 1/2 ft.--a little short.

AGAINST: NONE

The Hearing was closed at 7:14 P.M.

Mr. Stanton considered the 5 factors before granting a motion:

1- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created? Answer: No, we're sticking with relatively the same footprint. The new construction is actually going to be a benefit to the neighborhood..

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 lot size is what it is and we are dealing with the Cicero Code, which places restrictions on that.

3- Whether the requested Area Variance is substantial ? Answer: No. Again we have an existing structure with relatively the same offsets and they're asking for a minor deviation from the bulk regulations.

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, citing the same reasons I had before. The house will maintain about the same size and position.

5- Whether the alleged difficulty was self-created ? Answer: Yes , only because the applicant knows the lot size that it is and the Code is the way it is. Although, this is not a deciding factor.

Mr. Stanton made a motion , on behalf of Mary Grabowski, 7487 Murray Dr. West, to approve an Area Variance to construct a new single family home. The lot area is approximately 8850 sq. ft. where 10,000 sq. ft. The lot width is 50 ft. where 75 ft. is required. The front setback to an existing garage is 25.4 ft. where 30 ft. is required. The total side yard setback is approximately 13.42 ft. where 15 ft. is required. All other bulk regulations will be satisfied. Motion was seconded by Mr. Rabbia.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE DEFERRED FROM NOVEMBER 1, 2010, FOR LEN DiMAGGIO, 7467 WEST MURRAY DRIVE, TO CONSTRUCT A TWO STORY DECK ON A NON-CONFORMING LOT. THE LOT IS 50 FT. WIDE WHERE 75 FT. IS REQUIRED. THE EXISTING HOUSE HAS A FRONT SETBACK OF 2.9 FT. WHERE 30 FT. IS REQUIRED AND SIDE YARD SETBACK TOTAL OF 12.3 FT. WHERE 15 FT. IS REQUIRED.

Representative: Len DiMaggio, Owner

Mr. DiMaggio: I was unable to get the new survey. I did take some of the sections of deck down. My Surveyor said he can have a survey in a week.

Mr. Natali: We appreciate you coming forward. We can delay it until you get your paperwork . I make a motion that we defer this case until the January 10, 2011 meeting. Mr. Stanton seconded the motion and made the comment that the sooner, the better, that we get the survey.

Mr. DiMaggio: I'll get it to you--depending on the weather--very shortly. I actually cut one deck back that we discussed. 3 decks were cut back.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

There being no further business before the Board, motion was made and unanimously approved to adjourn the meeting at 7:20 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 6, 2010 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.

Nancy G. Morgan

December 10, 2010