

STATE OF NEW YORK  
ONONDAGA COUNTY  
ZONING BOARD OF APPEALS

MINUTES OF MEETING  
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: JULY 12, 2010

PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday, July 12, 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, AdHoc
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. Rabbia, seconded by Mr. Stanton, to approve the minutes of the ZBA Instructional/ Training Meeting held May 26, 2010. There were no additions or corrections.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

Motion was made by Mr. Palladino, seconded by Mr. Rabbia, to approve the minutes of the regular ZBA meeting held June 7, 2010. There were no additions or corrections.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Abstain. I was not at the last meeting.
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
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 & USE VARIANCE FOR JON ROSSMAN, 5804 MCKINLEY ROAD, TO CONSTRUCT AN ADDITION TO A HOUSE ON A PARCEL THAT IS ZONED INDUSTRIAL. THE FOLLOWING AREA VARIANCES ARE ALSO REQUIRED: FRONT SETBACK OF 36.7 FEET WHERE 75 FEET IS REQUIRED, SIDE SET-BACKS OF 12.7 FEET AND 19.7 FEET WHERE 25 FEET IS REQUIRED.

Representative: Jon Rossman, Owner.

Mr. Rossman: I would like to build a breezeway between my house and garage. The connection between the house and garage will be 6 ft. by 14 ft. My wife has COPD and my son has Down Syndrome. It would be better for both of them if they didn't have to walk outdoors between the house and the garage during the winter. The property is 17, 525 sq. ft. where 20,000 sq.ft. is required.

Mr. Natali considered the 4 factors for approval of a Use Variance:

In order to be granted a Use Variance, the applicant must prove unnecessary hardship by demonstrating that for each and every permitted use in the district:

- 1- The applicant is substantially unable to make a reasonable return from the property? Answer: Yes, it's mixed Residential and Industrial.
- 2- The hardship is somewhat unique, or at least not shared by a majority of parcels in the same Zoning District? Answer: No.
- 3- The hardship has not been self-created? Answer: No.
- 4- The requested Variance will not alter the essential character of the neighborhood? Answer: No.

Mr. Natali opened the Public Hearing at 7:06 P.M.

FOR: NONE  
AGAINST: NONE

The Hearing was closed at 7:07 P.M.

Motion was made by Mr. Natali, seconded by Mr. Stanton, to approve the Use Variance for Jon Rossman, 5804 McKinley Rd., to construct an addition to a house on a parcel that is Zoned Industrial.

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.

Motion was made by Mr. Rabbia, seconded by Mr. Natali, to approve the Area Variance for Jon Rossman, 5804 McKinley Road to construct an addition to an existing house. The Variances being requested are for a front yard setback and 2 side yard setbacks. The Code for Industrial Zoned land requires a front yard setback of 75 ft. and side yard setbacks of 30 ft. Mr. Rossman has a front setback of 36.7 ft. requiring a variance of 38.3 ft. The east side setback of 19.7 ft. requires a Variance of 10.3 ft. and the west side setback is 12.7 ft. requiring a Variance of 17.3 ft. and a lot area of 17,525 sq. ft. requiring a Variance of 2,475 sq. ft.

5 factors were considered when making the recommendation:

1- Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties? Answer: No. Even though this area is zoned Industrial, there are houses that have been built years ago throughout. The Rossman's have residential neighbors on both sides and across the street from them and I believe that they will be improving the area by completing their addition and re-siding the house.

2- Whether the benefit sought by the applicant can be achieved by a feasible alternative to the Variance? Answer: No, this is an Industrial Zoned area. Any change will require Variances of some kind.

3-Whether the requested Variance is substantial? Answer: No, the request is not substantial, although they may appear to be at first. They present no obstructions nor infringe onto any of the neighbors.

4- Whether the Variance will have an adverse impact or physical or environmental conditions in the neighborhood? Answer: No, there would not be adverse or environmental impact by granting these Variances.

5- Whether the alleged difficulty was self-created? Answer: No, this is not self-created. The Variances being requested are for a house that has been built for many years. I suspect the Zoning has changed and the Regulations have changed.

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

FOR:                       NONE  
AGAINST:                NONE

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

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 FOR DONALD PIQUET, 5637 E. DAVEY ROAD, TO CONSTRUCT A GARAGE ON A LOT 55 FEET WIDE WHERE 75 FEET IS REQUIRED, A FRONT SETBACK OF 26.8 FEET WHERE 30 FEET IS REQUIRED AND A SIDE SETBACK FOR THE EXISTING HOUSE OF 3.1 FEET WHERE 6 FEET IS REQUIRED.

Representative: Donald Piquet, Owner.

Mr. Piquet: I want to build a new garage. I have a shed that gets flooded every year.

Mr. Rabbia: Do you have a survey?

Mr. Piquet: I have a sketch.

Mr. Palladino: Are you going to remove the shed?

Mr. Piquet: Yes.

Mr. Rabbia: The way you drew the property line across the center of your sketch, you threw me off.

Mr. Piquet: It was a bit much all on one sheet.

Mr. Palladino: It looks like he has 26.8 ft.

Mr. Stanton: Do you agree with the 26 ft.?

Mr. Palladino: Yes.

Mr. Stanton: Just going based on the actual dimensions that were given, it's 39.4 ft. from the existing structure to the road line. If I added the 8.2 ft., the portion of the structure that's there now that sticks out--that gives me 47.6 ft. and the length of the structure, the proposed garage, is actually 22.5 ft. I subtracted that out--correct me if I'm wrong-- I think that's 25.1 ft. That's one of the reasons we don't particularly like it or people to just sketch. I think we're a little closer to that roadway.

Mr. Rabbia: It sounds like it.

Mr. Stanton asked Mr. Piquet if he understood what he was saying.

Mr. Piquet: Yes. Are you looking at page 2 of the information I gave you?

Mr. Rabbia: The actual survey.

Mr. Piquet: It shows 39.4 ft--is that the dimension you're working on?

Mr. Stanton: Yes, 39.4 ft.

Mr. Piquet: Actually, its 41 ft. from the existing shed to the edge of the road. I got my transit to pick up the center of the road on either side of my property--on the far corner of each side of my property. I shot a line down thru there, so my measurements are pretty accurate.

Mr. Natali: Would you object to having your Surveyor lay this out with the proposed garage, with the other 6.2 ft part taken off., then have him put all the different sidelines on, so we know exactly where that's sitting? Plus, are you going to take that big tree down?

Mr. Piquet: No.

Mr. Natali: Are you going to just miss that?

Mr. Piquet: Yes, I'll miss that by 8 ft.

Mr. Natali: What about the roots?

Mr. Piquet: It's like on a hill--my driveway goes down about 4 or 5 ft. at that point. I don't think any roots are there where I'm going to be excavating.

Mr. Natali: Is this something you want to do immediately?

Mr. Piquet: I want to get the foundation in and back filled before bad weather sets in because we have a storm runoff problem. Every time it rains, the water runs down the road, down my driveway--thru the front door and the back door of the shed. My wife has a hard time keeping it cleaned out of there--it tracks in--it has ruined my sump pump so much. I thought when I build the garage, I'll raise the grade so I can get a run-off to the side of the house. That's important to me.

Mr. Natali opened the Public Hearing at 7:19 P.M.

FOR:	NONE
AGAINST:	NONE

The Hearing was closed at 7:20 P.M.

Motion was made by Mr. Palladino to approve the Area Variance for Donald Piquet, 5637 East Davey Rd., to construct a garage. The Variances being requested are for a front yard setback, side yard setback and lot width. The Code for R-10 residential land requires a front yard setback of 30 ft., sideline setback of 15 ft., with one side not less than 6 ft. and lot width of 75 ft. Mr. Piquet is requesting a front setback of 26.8 ft. requiring a Variance of 3.2 ft. The west side setback of 3.1 ft. requiring a Variance of 2.9 ft. and a lot width building line of 55 ft., requiring a Variance of 20 ft.

The 5 factors considered when making this recommendation are:

1- Whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties ? Answer: No. As Mr. Piquet has shown with his attachments, many structures along E. Davey Rd. fall outside the current zoning regulations. In addition, I

believe this new garage will improve the appearance of their property and add to the neighborhood.

2- Whether the benefit sought by the applicant can be achieved by a feasible alternative to the Variance ? Answer: No. Two of the Area Variances are required even if no addition or work is to be done.

3- Whether the requested Variance is substantial ? Answer: No. The request is not substantial. The only Variance Mr. Piquet has control over is the front setback. I don't believe 3.2 ft. is substantial.

4- Whether the Variance will have an adverse impact or physical or environmental conditions in the neighborhood? Answer: No. I can't see any adverse or environmental impact being created by granting these Variances.

5- Whether the alleged difficulty was self-created? Answer: Yes, this is partly self-created. Two of the Variances are not self-created. However, the desire to add a garage is self-created.

Motion was seconded by Mr. Rabbia.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes, but I strongly suggest a survey. If you were off 1 ft. either side, it could be very costly for you if you made a mistake.
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes, and I'll second Mr. Rabbia's statement. I was going to say the same thing. Make sure you lay it out before you build the garage, please.

Motion duly carried.

AREA VARIANCE FOR DAVID CLEMENTS, 7940 ROUTE 11 (FLAMINGO CARWASH) TO CONSTRUCT A BUILDING ADDITION ON THE CURRENT BUILDING, WITH A SIDE SETBACK OF 13 FT. WHERE 15 FEET IS REQUIRED.

Representative: David Clements, Owner of Classy Chassis Car Washes, purchaser of Flamingo Car Wash.

Mr. Clements: I want to build an addition to the existing car wash site. The plan for an addition was submitted to the Town. That permit was denied based on the side setback. We want to modify this location. We have 13 locations throughout upstate New York. We've done a number of these conversions--taking them from what's know now as a tunnel wash and converted them into a totally automated site. In this case, it requires, to be financially feasible, another unit so we could have 3 total.

The addition would accommodate that new equipment. As I outlined in our application, to meet the existing side setbacks of 15 ft., the car washing equipment wouldn't fit into the bay that is only 13 ft. wide. The additional 2 ft. of width of the building addition, would accommodate conventional carwash equipment. He showed the Board the site plan. The intention here would

be to take the existing tunnel, convert it into an automatic bay, allowing access from the Wegman's patrons--access from the east. They would go thru what is now the tunnel bay. On the other side, coming in from Route 11, cars would be able to pull into either of the 2 bays--1 existing, 1 proposed new. Then exiting patrons would all continue towards Wegman's, then exit out the Wegman's side or move around and exit the Route 11 side. The patrons that enter from the Wegman's side would exit to Route 11 or move around to exit out the Wegman's side. The existing traffic pattern is not going to change except we're going to encourage the patrons, now that the tunnel won't be in operation--there's been a pattern of patrons making a loop to get in that bay--where now, the same exact service will be available from Route 11 and Wegman's. There will be no reason to do a little U-turn there.

Mr. Rabbia: One of our jobs is to try and minimize the Variance. One of the things I was thinking about as I look at the paperwork is why not take one of the bays of the self-serve carwash and make an automated bay ?

Mr. Clements: The conversions of self-serve bays are a lot more extensive than building new. There's certain things required--heat and power--even the available power to that bay would have to be upgraded. The water service--all the utilities are undersized because it's totally different use. The building is also too short. We like to have about 34 ft. of length. Those bays are 30 ft. so, I'd have to do an addition to that bay to make it work. The most important thing we've found over the years of washing cars is, we want to make it as friendly to get in and out as we can. It's a nice pattern coming off Route 11 , as long as we can offer the same service in both directions and release cars from the traffic pretty efficiently.

Mr. Rabbia: The tunnel bay to the north that stays as an automated wash--the car follows along the tracks ?

Mr. Clement: No. The tunnel will be modified. I submitted some renderings of what we anticipate doing. The track and equipment in there will be thrown out. We'll be getting new state-of-the-art equipment in there.

Mr. Palladino: What kind of a wash is it going to be ? You're not going to have the conveyor anymore ?

Mr. Clements: The last time these folks came in for an addition, it was for an automated laser wash. It will be the same principal. We're going to replace the one that was in there with the same equipment and the automated tunnel bay will be replaced with the same equipment--a laser wash.

Mr. Palladino: So, you'll have 3 laser washes ?

Mr. Clements: Yes, 3.

Mr. Palladino: You're going to put a laser wash in the tunnel ?

Mr. Clements: The tunnel is going to be modified by the equipment, will no longer be tunnel equipment, It will be laser wash.

Mr. Stanton: So, they'll pull up through about two thirds of the structure, then come up to the wheel stops; this is where the machinery starts?

Mr. Clements: Yes, about half of the building will be open and unused. The middle portion is going to be utilized for the automatic. As I stated on the application, there hasn't been a tunnel model built, with the exception of Delta Sonic, in many years. That model is very difficult to maintain because of the labor and expensive utilities and utility usage.

Mr. Natali: So, the tunnel will only have an entrance from the Wegman's side or from Route 11 ?

Mr. Clements: Only from the Wegman's side.

Mr. Natali: Is that going to be a little tricky?

Mr. Clements: It's the way the tunnel was accessed for the past 25 years.

Mr. Natali: I used to get my car done there. You would pull up , make the turn, and drive into the tunnel. I rarely saw cars merging into that line from Wegman's.

Mr. Clements: That brings me back to that same in-bay that's going to be where the tunnel is now--there will be one identical to it accessible to people pulling in off of Route 11. Once people learn that it's the same exact service, there would be no reason to make U-turns.

Mr. Natali: I understand that but are you going to get the traffic from Wegman's ? It doesn't seem like a natural way to go. Obviously, you're going to have to have a sign or people are going to get confused--they'll have to know which way to go.

Mr. Rabbia: You've got an existing tunnel where you're going to rip-out the equipment that's in there--about 30 ft. wide now, right ? Couldn't you take 15 ft. of that existing tunnel--divide that in two ?

Mr. Clements: No, It's actually only about 18 ft. width.

Mr. Rabbia: The building is about 30 ft. wide, right?

Mr. Clement: There's two equipment rooms. It's divided twice in the middle.

Mr. Rabbia: Does the equipment go away ?

Mr. Clements: Some of it. It's cost prohibitive to move all of it. There's water service, water heaters, electric, gas, sewer--there's a lot of equipment in there I don't want to move.

Mr. Rabbia: So, what you're saying is that it's not feasible to divide the existing tunnel bay in to 2 tunnels.

Mr. Clements: No, the structural integrity of the building would suffer--it would be a major renovation.

Mr. Stanton: The water and electric service for the structure with the tunnel--is that sufficient to add another bay's capacity without doing any modifications ?

Mr. Clements: Yes. We did a survey for utility use for gas, electric , water, and sewer. We'll be consuming less than it did before. It was labor intensive and heavy consumption before.

Mr. Palladino: You need to explain the traffic flow to me again because I'm confused. If I look at cars coming thru the laser wash-- the one that's there and the one you propose--they're going to come in on the Route 11 side and they're going to exit Wegman's side--they have to go that way. When they exit the building, which way are they going to go--are they going to take a left and wrap around the old tunnel and use the originally designed exit or are they going to go down in front of the cars waiting for the self-serve or down in front of the cars exiting the self-serve ?

Mr. Clements: We're going to have signs that encourages all traffic to go in the escape lane. There's going to be cars in the self-serve bays and staged in front of the self-serve bays and still maintain a traffic lane around them. We'll encourage our traffic to go around that building, when they get to the east end of the self-serve building, they'll have a choice to exit to Wegman's or merge with traffic exiting to Route 11.

Mr. Rabbia: I don't understand how you're going to stack cars at the self-serve, with 25 feet or so to your property line. You'd basically have one car waiting for the self-serve and you wouldn't have any room for cars to go behind them, right ?

Mr. Palladino: Right. Are you going to leave the vacuums there? If you're going to stage one car in the self-serve lines--people driving out behind them will be driving on the grass.

Mr. Clements: If it's that busy---There's maybe 10 or 12 days when that might happen and whenever it's busy, our policy is, as an operator in business for 12 years, that we staff that with people to direct. If it's so busy that there's a line, our intention is to have a site that's efficient enough that it doesn't have lines.

In the event that there's a line, we'll have people there to monitor and direct traffic.

Mr. Palladino: That would be great but, you've got 3 laser washes--each one can probably do 15 cars an hour--45 cars--plus 5 self-serve --another 75--you've got 120 cars potentially exiting and entering per hour. By adding that one additional laser wash, you actually take away the "thru" way to get to the self-serve. The way this was designed and used originally, you came down the northern side to make the wrap-around into the tunnel and the southern lane went straight down to the self-serve. Then everyone exited to Route 11. Now, you've added another laser wash that took that pathway out, then introduced more cars exiting. I see a problem with traffic.

Mr. Clements: Is it clear that the existing laser wash, that was built 8 or 10 years ago, entered the same direction I'm proposing ?

Mr. Palladino: Yes.

Mr. Clements: I'm actually reducing the need for folks to do the conventional U-turn, coming off Route 11 to go into the tunnel. I'm promoting them not to have to do any U-turns. The amount of traffic going thru the wash won't be more than what was ever there previously.

Mr. Palladino: Where the existing laser was and the proposed laser wash--can you show me where they're going to exit ? If you've got people coming in from Wegman's parking lot going into the tunnel laser--they're not going to cross in front of them--you've got people staging in the self-serve--they're not going to cut in front of them. I guess on the good "money" days, that you want or you wouldn't be doing this to make money, I see a major traffic jam backing cars up on Route 11.

Mr. Clements: If there was no one staged in front of self-serve, we're going to encourage the normal traffic patterns for people to exit and go along the entrance side of the self-serve, along with the rest of the traffic that was coming into the line for self-serve—loop around the back of the building, then choose to exit into Wegman's or head back to Route 11. On a busy day, with people there to monitor and help people thru, we could post a person to halt traffic as the people come in from the Wegman's side and go down thru the exit lane, which is going to be maintained as it has been and go to Route 11. It should actually be smoother because in the days when it was approved with the existing one laser wash, there was still the U-turn coming off Route 11 to get into the tunnel. As people exited the same direction as I'm proposing, they certainly handled that. We're actually going to make it more efficient because there will be 2 available and nobody doing the U-turns.

Mr. Rabbia: I see your point. Not that it's our concern but we do have to measure that a little bit. But, I still see an issue with getting traffic, using the 2 laser washes, off the site.

Mr. Stanton: Is this going to be bare pavement or are you going to have striping that defines the two lanes ? You could hold 1 or 2 cars in front of those laser washes, coming in off Route 11--possibly provide some striping on the pavement to define what the turn movements are ?

Mr. Clements: We have striping at all our sites. It's maintained and kept up. When it's busy, we have staff there to help people thru. We don't want customers to wait or feel uncomfortable trying to get out of the place.

Mr. Rabbia: Typically, is staff there on site ?

Mr. Clements: Yes, as needed. Someone's there every day, at least once a day, sometimes twice, depending on what the weather is like. When it's busy, there's people there as long as needed, at least 1 or 2 people.

Mr. Rabbia: How do you know when to get someone there ?

Mr. Clements: We have a lot of electronic equipment that tells us weather forecasts, cameras, etc. We have people that just watch the cameras on site.

Mr. Natali: Have you been before the Planning Board yet ?

Mr. Clements: No.

Mr. Natali: OK, because they're going to have the same issues. A lot of our questions, they're going to want solutions for, as far as striping and things like that. When I look at this it's a little bit of an obstacle course. I'm not sure I'd want to go thru the inside, then dodge the vacuum cleaners, then get into Wegman's parking lot. One of the questions we have to ask, is there any environmental conditions. One of them I look at is --you've got 13 ft. to pass for somebody that wants to wash their own car. In the winter, we're going to have snow buildup. Home Depot might not appreciate you piling the snow on their land. So, if you have a snow bank there, you're not going to have a lot of room to pass. I know, in the winter, you won't get the traffic but we get a lot of salt on the cars, as you know. Do you have any other possibilities here with the flow ?

Mr. Clements: I guess I was under the impression you knew I already have a permit to get the same addition built to the 15 ft. setback. In theory, that could be built with this traffic pattern. I have a permit for that already.

Mr. Natali: You need the 2 ft. Variance to build it. It's complicated. Do the vacuums have to be located right there ?

Mr. Clements: The vacuums are going to be removed. The feasibility of buying the site--it's not going to be feasible to modify--I've done this enough--I've converted a number of tunnels over the years. It's not feasible to do much more than this to the site and have it work out.

It's barely feasible as it is. It can be accommodated to the 15 ft. setback. It just creates a difficulty. It's barely feasible now to modify a bunch of equipment and create kind of a "pain in the neck" for the customers--it may determine if we can follow thru with the project.

Mr. Rabbia: Why would it create a "pain in the neck" for the customers ?

Mr. Clements: It would be a narrower door, everything would be cramped up by a couple of feet.

Mr. Rabbia: You don't get out of your car, right ?

Mr. Clements: No. But it's all about perception and what it feels like inside a bay like that. Actually, we just did one in Baldwinsville in a 14 ft. bay. It does make a difference.

Mr. Winters: It would seem that the problem everyone is concerned about would go away if all of your customers entered from one direction and exited from one direction. Since you're going to be rebuilding that long tunnel anyway, if you had the entrance on the Route 11 side then your customers would have a choice when they exit to go out through Wegman's parking lot or come around the building and go out to Route 11.

Mr. Clements: I did consider that. I thought it would be better received to keep the traffic flow from the Wegman's end.

Mr. Dean: Personally, I've never seen anyone going in the Wegman's end. Everybody comes in Route 11 and does the U-turn.

Mr. Winters: I've seen them backed up on Route 11 trying to get in.

Mr. Natali: Mr. Clements, have you considered Mr. Winters' proposal ? Was that one of the options you considered--everybody from one direction? Or do you anticipate getting business from Wegman's?

Mr. Clements: I have locations near Wegman's and Wegman's is our clientele. It may not be the clientele for "Flamingo" but my customer base is a Wegman's customer. I have a ton of experience with Wegman's and we are definitely Wegman's customers. I anticipate a lot of activity, and that's exactly why I want to maintain that traffic flow. I think the fact that it has cross access that comes with the site--if it didn't come with cross access to Wegman's, I probably wouldn't be here. We're going to spend a significant amount here to improve that site greatly.

Mr. Rabbia: Are you going to stack cars in the tunnel?

Mr. Clements: The patrons are going to be able to stage up closer towards the middle of the building than they do now. We're going to leave the roof structure because of the way it was constructed originally, with the glass blocks, to support itself, the roof structure, without the glass blocks to support itself, the roof structure, without the wall. We're going to take those walls down--give it a friendlier feel--open it up--put a car stage in that area. The exiting customer will be able to see the merging traffic. We've put a lot of thought into the traffic pattern. I thought it lent itself really well to having cross access that was probably pre-existing before they developed the traffic pattern they did.

Mr. Rabbia: I'm actually in agreement with you on that issue. I think it's a good idea, I just don't know how you get cars out on busy days, from the existing laser wash and the proposed laser wash and people stacked up in front of the self-serve, people stacked up in front of the tunnel, it just looks like it's going to be congested.

Mr. Clements: I guess the way I presented it and thought it thru was that we're actually going to make it less congested exiting the lasers. The existing laser, which did about 12,000 to 15,000 cars a year, was merging with a tunnel that was doing 20,000 cars a year. So when you think about that, merging out with no direction, those cars could go left or right. Who knows what they did, I wasn't here. In the U-turn traffic of 20,000 cars out of the tunnel, I'm trying to stream line it saying we're going to direct them all in one direction, I'm going to get rid of the obstacle vacuum islands that are hard to get around.

Mr. Rabbia: But couldn't you argue, they could come out of the existing laser wash and hang a right hand U-turn and come out at Route 11. In the old days before, when they had 30 ft. or so, they could swing a right hand turn and go out onto Route 11. That could have been the way out. I don't understand how everybody'd going to get out when you've forced everyone to the east because what you're left with to the southern boundary is the entry way to the self-serve. You're going to have cars stacked along that side of the property going to the self-serve.

Mr. Clements: Unless I'm missing something, I've got about 60 self-serve bays, and I've seen the numbers from this place. I don't know how many cars stack for self-serve. It happens a dozen days a year and on those days we have multiple employees directing traffic, especially for safety. I don't have a lot of experience with stacking cars in front of self- serves.

Mr. Dean: I think there's a bigger problem there with the people exiting the self-serve, with people stacked up to get in the long bay. You've got to think of the dynamics. People aren't going to sit there forever, they're moving. It's like waiting at a stoplight or a stop sign.

Mr. Clements: 16 minutes is the threshold that anyone will sit in their car without getting their service

Mr. Stanton: Wayne, will this go before the Planning Board ?

Mr. Dean: Sitting here talking about it, I think it should.

Mr. Stanton: If we were to approve this, could we ask the Planning Board to specifically take a look at something like the turning movements, or is that way outside of this Board?

Mr. Dean: I'll review it--that's their job.

Mr. Natali: Mr. Clements, I noticed on your site plan you're taking away that window on the side. It's coming off?

Mr. Clements: Yes, I have no use for it.

Mr. Palladino: Looking at your drawing, do you have an exit door on the south side of the new laser wash--a 3 ft. door opening into traffic?

Mr. Natali: The Planning Board will address that for you.

Mr. Stanton: The only thing I'd say is be aware of the Town of Cicero sign requirements. That's all I'll say about that because that's not part of this.

Mr. Rabbia: Fundamentally, I don't disagree with what he's trying to do with traffic flow--having some exiting off Route 11 and having people come from the "ring road". It seems to make sense. I think we're getting into an area that's not our expertise.

Mr. Natali opened the Public Hearing at 7:58 P.M.

FOR: NONE  
AGAINST: NONE

The Hearing was closed at 7:59 P.M.

Motion was made by Mr. Natali, to approve the Area Variance for David Clements, 7940 Route 11 (formerly known as Flamingo Car Wash), to construct a building addition to the current

building, with a side setback of 13 ft. where 15 ft. is required. In making this decision, I've considered the following 5 criteria:

- 1-Whether an undesirable change will be produced by this Variance ? Answer: No, because it's an existing Commercial building and there are all Commercial buildings along Route 11.
- 2- Whether there's an alternative that is feasible ? Answer: No, we suggested a couple. One being that he not ask for a Variance but he said it would definitely change the cost factors and also make it an awful tight entrance for prospective car washers.
- 3- Is the Variance substantial ? Answer: No, he's only asking for 2 ft.
- 4- Will the Variance have an adverse impact on the physical and environmental conditions in the neighborhood? Answer: Yes, we believe it possibly could. I'll be more firm--we think it will but it won't necessarily change the overall approval. We've pointed out the flow pattern could cause some problems and that would be addressed by the Planning Board.
- 5- Was the alleged difficulty self-created ? Answer: Yes, it was. He knew coming in that he wouldn't buy the property--it was a condition of your purchase but that won't throw out the approval process.

Motion was seconded by Mr. Stanton.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Winters:	Yes
Mr. Palladino:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes, and I'd like to add, the Onondaga County Planning Board's position on this is that this particular Variance will have no significant adverse community or County wide implications.

Motion duly carried.

AREA VARIANCE FOR CATHERINE SYHRE, 8931 BEACH ROAD, TO CONSTRUCT A RESIDENCE ON A NON-CONFORMING LOT. THE LOT HAS A DEPTH OF 100 FEET WHERE 125 FEET IS REQUIRED.

Representative: Catherine Syhre, Owner

Ms Syhre: I'm asking for an Area Variance. I want to build a 2 car garage with an additional bay in case I'm ever lucky enough to own a boat, with a guest residence above it for company. The lot is 99 ft. by 100 ft. and the Code requires 75 ft, X 125 ft. The existing pole barn was there when I bought the property. I own a house on property across the street on the lake. When I bought the property, I bought it as a second residence so I wasn't concerned about garaging in the winter and regrettably wasn't smart enough to check to see there's a water flow thru that pole barn that creates an ice skating rink in the winter and makes it almost impossible to park in there. I want to have a safe garage for myself and company. My home only has 2 bedrooms and I hope to have grandchildren someday so I'd like a guest residence where they can stay.

Mr. Stanton: You mentioned guest residence a couple of times. I just want to make sure these are 2 separate and distinct properties--there's no real connection.

Ms. Syhre: My home is at 8934 Beach Rd., across the road. These 3 lots are known as address 8931 Beach Rd. The 3 lots adjoin to total 99 ft. wide by 100 ft. I have been thru the D.E.C. process and have a permit approved (in my paperwork). I agreed as part of the approval that I would do some cleaning up in the wetlands, which adjoins the property--put in some natural vegetation as a barrier between the wetlands and the building, and also build a wood duck nest, which I had never heard of until they told me I should build one. So, I'll have quite a little conservancy there.

Mr. Natali: Your house is the yellow house ?

Ms. Syhre: Yes.

Mr. Rabbia: This is a technicality--do we have a lot area issue as well?

Ms Syhre: I believe the area is 9375 sq. ft. or 9900 sq. ft. I've got the square footage, it's just not shaping up the way it's required. The building will be basically on the same footprint as the pole barn. There's no way I can build what I want to achieve, not getting the water flow thru the building without demolishing the existing structure and building a new structure.

Mr. Stanton: Correct me if I'm wrong. There's some overlap here but it looks like you are significantly increasing the side setback.

Ms. Syhre: There's a deck that goes around and that's not part of the footprint so I don't think it really increases. It moves it over a little so I think it's pretty much the same size. It will definitely improve the neighborhood and the property.

Mr. Natali: The shed is going to be taken down ?

Ms. Syhre: Yes that was part of the agreement with the D.E.C.

Mr. Natali opened the Public Hearing at 8: 06 P.M.

FOR:	NONE
AGAINST:	NONE

The Hearing was closed at 8:07 P.M.

Mr. Stanton reviewed the 5 factors taken into consideration for approving an Area Variance:

- 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. The proposal is to remove an existing non-conforming structure and replace it with one that meets the bulk regulations.
- 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 existing lot cannot be expanded to meet the required 125 ft. lot depth.

3- Whether the requested Area Variance is substantial ? Answer: No, the requested 25 ft. Variance is on the back of the lot and does not affect the layout of the property or the proposed house.

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. The proposed construction will have a positive effect both on both the physical and environmental conditions as it removes a pole barn and replaces it with a residence and includes environmental mitigation as detailed on the "Mitigation Proposal" page of the submittal entitled "SYHRE CARRIAGE HOUSE" and in the NYSDEC Permit dated February 24, 2010.

5- Whether the alleged difficulty was self-created ? Answer: Yes, but this is not a deciding factor. The lot depth was known when the property was purchased.

Motion was made by Mr. Stanton, seconded by Mr. Natali, to construct a residence on a non-conforming lot as shown on the site plan location on the first page of the submittal entitled "SYHRE CARRIAGE HOUSE". The lot has a depth of 100 ft. where 125 ft. is required. The lot has an area of 9900 Sq.Ft. where 10,000 sq. ft. is required.

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 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'm petitioning for an Area Variance for a second story deck--a small section which is on the side of the property outside a sliding glass door. I don't know if the drawing shows it--I made a couple of X's so you can see it.

Mr. Stanton: We have a survey dated June 13, 2010.

Mr. DiMaggio: The side section outside the sliding glass door is a landing, and then the part colored yellow is going to be a covering over the deck. It's going to be partially enclosed close to the tile. That's why I need the roof. The side section here is going to be over an existing walkway and in from the overhang.

Mr. Rabbia: There's a deck there now, right ?

Mr. DiMaggio: Yes. I want it over the top of the first floor.

Mr. Palladino: Did you start this deck already ?

Mr. DiMaggio: This deck is started on the second floor.

Mr. Stanton: What about the area between the yellow and the orange shading?

Mr. DiMaggio: 2 separate decks.

Mr. Stanton: They're 2 separate decks--so there's no connection between these two at all?

Mr. DiMaggio: No.

Mr. Natali: Isn't that open now ? It's under construction now.

Mr. DiMaggio: Right. These are 2 separate decks. This deck here is like an "L" shape and it doesn't actually connect that one (referring to the plan).

Mr. Rabbia: That second story deck---You're saying they don't connect with each other? They're the same elevation aren't they ?

Mr. DiMaggio: No they don't connect. (He showed the Board his pictures of the house and pointed out the overhang.)

Mr. Winters: (referring to a picture) which side is this of ?

Mr. Rabbia: That's the bottom part, right ?

Mr. DiMaggio: That's the "L" shape.

Mr. Rabbia: Is that the bottom deck ?

Mr. DiMaggio: Yes, this is over the walkway.

Mr. Rabbia: Do you have a shot showing whether or not they're going to be connected to one another? I trying to figure that one out. You've got quite a bit of this done—do you have a permit for it?

Mr. DiMaggio: What happened was , my contractor never got a permit. He took off and never finished it. I got cited because I need a Variance--he pointed out part that is close to the property line.

Mr. Natali to Mr. DiMaggio: You did get a Variance for the 1.1 ft., right?

Mt. Rabbia: Is that a patio or a deck?

Mr. Natali: It's a deck--it's on the ground.

Mr. DiMaggio: It's a planter.

Mr. Natali: Wayne, help us out here. He said when the deck was built; the builder didn't get him a Permit.

Mr. Rabbia: Let's clarify this-- what is that 1.1 ft. ? Gary, show him what we're talking about. What is that actually ?

Mr. Natali: He says it's a planter but it's on the survey as being part of the deck..

Mr. DiMaggio: This is the existing and this is the new construction.

Mr. Natali: Yes, but if we're going to do one Variance for a non-conforming lot, we want to make it legal or you'll have problems down the road if you try to sell the property.

Mr. Rabbia: We have an issue on what is called the north side--the 5.4 ft.

Mr. Dean: Then you've got one on the other side--it requires 9 ft.

Mr. Stanton: When you get closer to West Murray Dr., the house is actually closer--it's about 3 1/2 ft.--up the west side.

Mr. Rabbia: That makes 3 Variances and lot width makes 4.

Mr. Natali: You've got a lot of construction on a small lot.

Mr. DiMaggio: I bought the house like that--with the deck on it.

Mr. Rabbia: The deck with the permit on it--you bought it like that ?

Mr. DiMaggio: No--the deck is new construction--I'm just here for this.

Mr. Natali: Sir, you need 75 ft. across the front--you only have 50 ft.. That's what started the ball rolling. We have to make that Variance legal. Now, we're walking around the property to make sure everything is. Or else someone who tries to buy your house in the future can say "I don't want to have to go in and get a Variance".

Mr. Rabbia: The section you're going to cover--the yellow shaded--do we know how big it is or are we just guessing?

Mr. Stanton: It's about 316 square feet. If you look at the pictures, there's 2 distinct levels. I believe they're 2 covered levels aren't they?

Mr. Rabbia: Could you bring those pictures back one more time ? I figured it was 170 square feet. He pointed to the drawing and asked--this is the section you're going to cover, right? This is about 12 ft. by 12 or 14 ft. Would you agree with that? Does it put him over 25 ft.?

Mr. Stanton: I believe the structure started off over 25 ft. It should be about 29. ft.--if I got my numbers right.

Mr. Rabbia: We should review with him where we are. We've got 5 Variances--front, width, coverage, 2 sides. Did we try for rear ?

Mr. Stanton: the rear is 28 ft now.

Mr. Rabbia: Where are you going to, the water side ?

Mr. Stanton: No, I'm going from the corner of the deck, all the way back to the concrete sea wall--28 ft.

Mr. Rabbia: Have you got a picture of this other wood deck--not the 2 story one but the other one? It's elevated , right ?

Mr. DiMaggio: Yes.

Mr. Rabbia: How high is it in the air ?

Mr. DiMaggio was not speaking into the microphone so his answer could not be understood.

Mr. Stanton: It's 32.6 % coverage. The basic house is 29.3%.

Mr. Rabbia: How long ago did you buy the home ?

Mr. DiMaggio: 10 years ago.

Mr. Rabbia: Is this your first construction project on the house--this deck ? Have you done anything else? Was the other wood deck there ?

Mr. DiMaggio: Part of it was there.

Mr. Rabbia: Did you get a permit for the first deck?

Mr. DiMaggio: I had a contractor do the work--I believe so. I re-did the whole interior of the house. just recently, I had a pipe break. I got a check for that and used that to put the second deck on and the sliding glass door. The glass door opened up to nothing. So I put on a deck. The builder got the Permit when I did other renovations at the same time.

Mr. Natali: Mr. DiMaggio, we're coming up with the coverage factor--the density factor. Basically, the house by itself is almost 30 percent. When we look at this area over here, judging from what you've shown us, we haven't figured that in. We're probably going to be a total of 33

to 35 percent. We want to do this right.

Mr. Natali made a motion, seconded by Mr. Stanton, to defer this matter until our next meeting on August 2, 2010. In the meantime, I'd like the Board to go out and look at it and do some measurements and make sure we know exactly what we have. I suggest that we make an appointment with Mr. DiMaggio. You can help us. It's under-construction now. Possibly you can make some kind of adjustments to bring that percentage into focus. We've rarely made a Variance on coverage on a pre-existing, non-conforming lot. It's not so much that the stuff that's already there and how close you are to the lines. That's how we help people that have lakefront property. This extra addition--we really want to do our math so we do justice by it.

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.

Mr. Natali opened the Public Hearing for the DiMaggio case at 8:26 P.M. The hearing will be left open until the August 2, 1020 meeting.

FOR: NONE  
AGAINST: Michael Whalen, 7465 West Murray Dr.: Is he requesting to build 1 or 2 second floor decks?

Mr. DiMaggio: 2 separate decks--2 separate elevations.

Mr. Whalen: So he's going to have 2 separate entrances out of the house ? My first concern with that would be the portion below the deck, that's towards my house, that's going to be closed off?

Mr. Natali: No, it's going to be open.

Mr. Stanton: Is that the upper level ?

Mr. DiMaggio: It's going to have a roof on it because I want to put some tile down. It's going to be open.

Mr. Natali: The bottom's going to be open?

Mr. DiMaggio: Yes.

Mr. Natali: Does that answer your question, Sir ?

Mr. Rabbia: But the first floor underneath it is going to be a walk-way ?

Mr. DiMaggio: It's just going to be open...

Mr. Whalen: My first concern is that it partially blocks my view of the bay. And I think that the whole structure blocks the view of the bay from the other side of the house. Second: When I asked the contractor if there was a permit--he said Mr. DiMaggio was going to take care of it, not him. The existing deck, according to Mr. Raymond, was not there when he bought the house--incomplete as it sits now--so that was done. If you have a record of a Permit, I'd appreciate seeing it. Also, the railings on that existing deck do not meet Code. They're simply 2X4's that are anywhere from 6 to 8 feet apart, with nothing in between.

Mr. Rabbia: Where does your house line up with the back of his ? Is it staggered--same level--or are you setback?

Mr. Whalen: I'm set back from his --probably 8 or 10 ft.

Mr. Rabbia: From the actual house or the deck ?

Mr. Whalen: The actual house.

Mr. DiMaggio: I have pictures you can see. As I look across the bay, to my neighbor's yard, this is what I see. This has been going on for 2 years. He cuts wood all the time.

Mr. Whalen: Mr. DiMaggio, this hearing has nothing to do with me; it has to do with you. To the Board: In your 5 concerns, I think it probably violates several of them. #1- The undesirable change in the view or the aspect of the house. Is there a feasible alternative? Yes, he has a deck that probably measures at least 400 sq. ft. And most important--does it have an adverse impact on the neighbors? On this neighbor it does.

Mr. Stanton: I want to be clear on this. You asserted that one of the decks was built after Mr. DiMaggio purchased the house? Which one was that--is that the one that's 1.1 ft off your property line?

Mr. Whalen: Yes.

Mr. Raymond: My in-laws have had the house to the east of Lenny for 60 years. The way I see it the only reason we're here tonight is because he got caught with a Permit and trying to build. He knew what he was doing, trying to build the deck without letting anyone know--the neighborhood and the Town. I will be back for the August 2nd meeting to see what your findings are. I have the same concerns Mike has.

AREA VARIANCE FOR PAUL BRATEK, 6384 LONG POINT ROAD, TO CONSTRUCT A HOUSE ON A NON-CONFORMING LOT. THE LOT IS 50 FT. WHERE 75 FT. IS REQUIRED. THE MAXIMUM COVERAGE OF 25 % WILL BE EXCEEDED.

Representative: Paul Bratek, Owner

Mr. Bratek: I would like to tear down my house at 6384 Long Point Rd. There's a lot of structural issues with that home It's an add-on nightmare. There's a front porch add-on. The house is basically a 24 ft. by 30 ft. house, then there's an 8 ft. X 10 ft. porch on the north end of the house, which is falling off the house. I also have issues where the sewer line is sucking the floor down inside the house--the floor is now pulled down 2 in. right around the toilet. It's not a structure issue, it's the sewer pipes have migrated into the ground--it's pulling the house down with it. The house is not well insulated. I'm looking to upgrade to a more efficient home.

Mr. Natali: You call it a gazebo but that's an enclosed building.

Mr. Bratek: Yes, it's a 3 season room. I had a permit for that.

Mr. Natali: What do you use it for ?

Mr. Bratek: It's a 3 season room. We use it in the summer time, then in the winter time, all the deck furniture gets stored in there because I don't have any place else to store it.

Mr. Natali: Did you build that ?

Mr. Bratek: Yes, I did. I've spent some time with the Codes Office concerning setbacks and everything else to see what we can fit in there. On the west side, if you look at the current survey dated 7/6/10, I have a new house superimposed on the lot. What we're doing is squaring up the current deck, which had a permit when I built it. It was 5 1/2 ft. off the line--we're pulling that back to maintain 6 ft. 10 in. with the current deck. That whole area from the east to the west side will be pulled off. We'll maintain the deck and the building to the north.

Mr. Rabbia: Review this for me--what are you keeping?

Mr. Bratek: We're going to keep the deck and the gazebo.

Mr. Rabbia: The gazebo is what you're calling the enclosed porch?

Mr. Bratek: Yes, it's out at the end of the deck.

Mr. Natali: It doesn't show up well on our copies.

Mr. Bratek: That structure was not added to the existing deck, it was added on top of the existing structure.

Mr. Stanton: I appreciate your effort to meet the setbacks which, correct me if I'm wrong, I believe you've addressed everything that needs to be, as far as setbacks. The one thing I have a concern about -- your survey shows you having .2397 acres, which is about 10,441 sq. ft.

Mr. Bratek: In the package, I believe there is ...

Mr. Stanton: I understand. We limit coverage to 25 % --that works out to 2,610 sq. ft. With the gazebo, you are at 3,005 sq. ft., which gets to 28.8% coverage. I'm within a 10th of what was calculated there. Even if the gazebo was taken out, you would still be over the 25 % coverage. Is there anything you would be willing to do to decrease the size of the house or the garage that would get you within that 25 %?

Mr. Bratek: The garage is on a full footer. That was done after the 1993-94 floods. That was rebuilt with a Variance I had to get to have the garage built. The current house is a 1080 sq. ft. footprint. I'm looking at a 1624 sq. ft. What really takes it out is the covered walkway down along the west side just to have, esthetically, because we're going to be close to the neighbors--so when somebody comes up to the house and you go to the lake, you walk down that covered walkway, which is 329 sq. ft. Plus, there's a little entry porch on the front.

Mr. Rabbia: You've got a covered walk-way at 329 sq.ft, gazebo of 170 s. ft., house and garage that puts you just shy 100 sq ft. from the limit. I've got 2506 sq. ft. for the house and garage. Is it you plan to keep the covered porch/walk-way ?

Mr. Bratek: That was one of the esthetics, with the house being 56 ft. long. I didn't want to drive up and have it look like a "double wide". It kind of gives the house a little character. It's a 2 bedroom house. The houses are small at my end of the street--they're not real big. I didn't want to increase the size to the point where it's bigger than everything else down on that side of the street.

Mr. Rabbia: How long have you lived there ?

Mr. Bratek: Since 1986. We've tried to maintain it but it's a nightmare.

Mr. Rabbia: Explain how the covered porch stays when you put a new house up.

Mr. Bratek: That's a proposed covered walk-way on the side. My request is for a coverage Variance. We worked around all the other things to thru and clear it out. He discussed the walk-way--it's just an open railing--open decking underneath it--it will never be part of the house. If you looked at the foundation plans, it is a separate deck structure attached to the side of the house. The only thing, the architect carried the roof trusses over it, which will help with the energy over the sidewalk--there's insulation up there in those areas.

Mr. Natali opened the Public Hearing at 8:45 P.M.

FOR: Don Palys, neighbor at 6376 Long Point Rd.: They have had a well kept property--far better than mine. I see no reason why they shouldn't be capable of putting up a substantial structure to support his substantial girth.

AGAINST: NONE

The hearing was closed at 8:46 P.M.

Motion was made by Mr. Palladino to approve Mr. Bratek's request for an Area Variance to construct a house on a non-conforming lot located at 6384 Long Point Rd. The Variances being requested are for lot width and area coverage. The Code for R-10 Residential land requires a lot width of 75 feet and maximum lot coverage of 25 %. Mr. Bratsk's lot is 50 ft. wide requiring a Variance of 25 ft. His lot is 10,416.7 sq. ft. with his existing and proposed new construction, there will be total of 3005.4 sq. ft., making the total coverage 28.9 %, requiring a 3.9 % Variance or 406.25 sq. ft.

The 5 factors taken into consideration when making this recommendation are as follows:

1- Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby property. Answer: No, the new structure will blend nicely into the neighborhood.

2- Whether the benefit sought by the applicant can be achieved by a feasible alternative to the Variances? Answer: No, the one Variance for lot width, Mr. Bratek has no control over and the second Variance for area coverage would require redesigning the house and possibly not providing the esthetics.

3- Whether the requested Variance is substantial ? Answer: No, the request is not substantial. The only Variance Mr. Bratek has control over is the area coverage. And I don't think 3.9 % or 406.25 ft. is substantial.

4- Will the Variance have an adverse impact on the physical or environmental conditions in the neighborhood? Answer: No, I can't see any adverse or environmental impact being created by granting these Variances.

5- Whether the alleged difficulty was self-created? Answer: Yes, this is partly self-created by intentionally exceeding the area coverage.

Mr. Rabbia seconded the motion.

Motion was put to a vote, resulting as follows:

Mr. Rabbia: Yes, given the fact he's worked hard to get the side setback in a pre-challenging lot, I'm willing to work with him on the coverage.

Mr. Winters: Yes

Mr. Palladino: Yes

Mr. Stanton: No, because I believe Mr. Bratek has the ability to resolve the coverage issue.

Mr. Natali: Yes

Motion duly carried.

AREA VARIANCE FOR DON.R. PALYS, 6376 LONG POINT RD., TO CONSTRUCT A GARAGE ON A NON-CONFORMING LOT. THE LOT IS 68.5 FEET WIDE WHERE 75 FEET IS REQUIRED.

Representative: Don Palys, Owner

Mr. Palys: I want to replace the garage that was damaged by fire. The new garage will be 32 ft. X 24 ft.

Mr. Natali opened the Public Hearing at 8:50 P.M.

FOR: NONE  
AGAINST: NONE

The Hearing was closed at 8:51 P.M.

Mr. Rabbia: The 5 factors taken into consideration when making this recommendation are as follows:

- 1- Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby property? Answer: No.
- 2- Whether the benefit sought by the applicant can be achieved by a feasible alternative to the Variances? Answer: No.
- 3- Whether the requested Variance is substantial ? Answer: No.
- 4- Will the Variance have an adverse impact on the physical or environmental conditions in the neighborhood? Answer: No.
- 5- Whether the alleged difficulty was self-created ? Answer: No.

Motion was made by Mr. Rabbia, seconded by Mr. Winters, to approve the Area Variance for Don Palys, 6376 Long Point Rd., to construct a garage on a non- conforming lot. The lot is 68.5 feet wide where 75 feet is required.

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 FOR MATTHEW & LORI MUNNICH, 6201 HENRYK WOODS ROAD, TO  
CONSTRUCT A 6 FOOT FENCE IN A REQUIRED SIDE YARD.

Representatives: Matthew & Lori Munnich, Owners

Mr. Munnich: My wife and I are here to ask for a fence on the corner of Thompson Rd. and Henryk Woods Rd. He showed the Board some pictures.

Mr. Natali: You have your posts all in. Are those 6 footers?

Mr. Munnich: Those are actually 10 footers but the fence we're asking for is 6 ft. My plan was to build the fence and just zip them off. The reason why we're asking for it is for the safety of our children. They're going to make Thompson Rd. wider. They're making it into 3 lanes. As it stands now there is a drainage swale on the side of the property that is actually a detriment from cars--God forbid something happening—would be stopped by the swale. Due to the expansion of the road, the swale is going to be covered so there's not going to be a visual or physical detriment. Another thing is strangers--you have people coming in--I have a 3 year old and a 6 year old--they could be picked up if they were out on the lawn alone. Since the road is going to be widened, it's going to be louder, dirtier, and no privacy--more of a safety issue than anything else.

Mr. Rabbia: I haven't seen the plans for the expansion of Thompson Rd.--are they going to widen it on both sides?

Mr. Munnich: Yes, they are. They're going to put a center turn lane in. If you take a look at the pictures, the edge of the shoulder is actually going to be the center of the ditch now.

Mr. Rabbia: The reason I ask is because when you roll up to that stop sign on your road, with the road widened, you're going to obscure views if you're looking both ways--that fence is going to be almost up to the road.

Mr. Munnich: If you're coming out of Henryk Woods Rd. and you're sitting at the stop sign now--if you take a measurement from Henryk Woods Rd. to the face of where I want to put the fence--it's 64 ft. off Henryk Woods Rd. There's 3 large ash trees that will be taken down because the County is taking that property. The County is actually buying 12 ft. of property

Mr. Rabbia: What's the stake ?

Mr. Munnich: That's actually going to be the new R.O.W. That's not the edge of the asphalt. One of the things I notice if you drive around Cicero, there are other places that have fences right up to the road or living hedges. I'm in the Landscape field, so I see living hedges right up to the road. If you come up to the stop sign, the visibility really is not impaired because they're so set back from the side road.

Mr. Rabbia: Are you doing this work yourself or are you having a contractor do it?

Mr. Munnich: Myself.

Mr. Natali: That was your truck in your driveway?

Mr. Munnich: Yes

Mr. Stanton: You're aware that the Onondaga County Planning Board made the recommendation that the fence be not higher than 4 ft. from the grade and no more than 50 % opaque. They cited the Zoning Code.

Mr. Munnich: I did have the Engineers from Onondaga County out--the gentleman that's designing the road--I was walking thru the property and he was marking out the R.O.W. for me just so I was on the right page. He told me he sees no problem. The 3 larger ash trees --they're all mangled up--they're coming down. The trees behind them that I planted, that's actually the line of the R.O.W. When they do construction, they're not going to disturb a blade of grass. They're buying more property for utilities.

Mr. Natali opened the Public Hearing at 8:59 P.M.

FOR: NONE  
AGAINST: NONE

The Hearing was closed at 9:00 P.M.

Mr. Stanton reviewed the 5 factors considered for the approval of the Variance:

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. The fence in question is actually fronting Thompson Rd. and won't be impacting any adjacent houses.

2- Whether the benefit sought by the applicant can be achieved some method feasible for the applicant to pursue other than an Area Variance? Answer: No. Mr. and Mrs. Munnich have the distinction of having a house that has 2 front yards. In order to put a fence up there, we have to give a Variance.

3- Whether the requested Variance is substantial? Answer: No. Having been out there myself, I don't believe it's going to impact site distances--either on Thompson Rd. or Henryk Woods Rd.

4- Whether the Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Answer: No, they're not constructing the fence in any of the easements; it's not going to be blocking drainage or anything like that.

5- Whether the alleged difficulty was self created? Answer: Yes, because the house is on a corner lot but, again, that's not an over-riding factor.

Mr. Stanton made the following motion: The Variance would be to construct a 6 ft. high fence in a required front yard. The additional thing I found was lot area is 11,880 sq. ft. where 15,000 sq. ft. is required. I believe we'd like to give them 100 %, totally opaque on the fence as opposed to the 50 % required by Code.

Motion was seconded by Mr. Palladino.

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.

Motion was made and unanimously approved to adjourn the meeting at 9:02 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 July 12, 2010 and took minutes of said meeting; do hereby certify that the foregoing is a true and correct transcript.

---

Nancy G. Morgan

July 22, 2010

