

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: MAY 3, 2010

PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday May 3, 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. Natali, seconded by Mr. Stanton, to approve the minutes of the April 5, 2010 Zoning Board of Appeals meeting, with the following corrections:

Page 7- 9th paragraph- Mr. Natali: That's Mr. Palladino's opinion.
Page 9- 5th paragraph- Mr. Palladino checked his notes and queried Mr. Stanton on the location of this house relative to the northwest property line.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Abstain
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.

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.

AREA VARIANCE FOR KOSMAS & JEANNE SARIGIANNIS, 5697 WILLIAMSON PARKWAY, TO CONSTRUCT A RESIDENTIAL ADDITION TO A HOUSE ON A NON-CONFORMING LOT. THE LOT IS 68 FT. WIDE WHERE 85 FT. IS REQUIRED.

Representative: Jeanne Sarigiannis, Owner.

Mrs. Sarigiannis: We would like to build an addition to the back of our house. The measurements are 21 ft. X 12 ft. It would be in line with the house, as it is presently- not in line with the garage.

Mr. Rabbia: So, it's going to follow in line with the house ?

Mrs. Sarigiannis: Yes.

Mr. Stanton: The survey , which I amended to be a 21 ft. X 12 ft. addition. One of the other supporting documents shows 34.35 ft. width X 12 ft. long-new living area and new patio. Basically, the entire back portion of the house will be taken off and will be covered with a roof of some sort ?

Mrs. Sarigiannis: Yes, correct, with the roof. We figured the part that is not building will be a patio, with a roof.

Mr. Stanton: It does count as a structure because of the roof.

There being no further questions, Mr. Natali opened the Public Hearing at 7:09 P.M.

AGAINST : NONE

FOR: Dewey Schryver, 5693 Williamson Pkwy. and Ken Barber, 5701 Williamson Pkwy.:
Both spoke in favor of the neighbor's addition. Neither sees any problem at all.

The Public Hearing was closed at 7:10 P.M.

Mr. Stanton reviewed the 5 factors considered for a 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, this addition is entirely to the rear of the existing house.

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 addition sits within all the existing setbacks, it's merely the lot width and the lot size that we have to address tonight.

3- Whether the requested Area Variance is substantial ? Answer: I believe the answer is no. This lot is clearly undersized for the R-15 designation.

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, this is matching, similar construction within the same neighborhood.

5- Whether the alleged difficulty was self-created ? Answer: I'll note that this is not a deciding factor but the lot size must have been known at the time of the purchase and the building of the house so I have to believe this is somewhat of a self-created difficulty, but again, that's not a deciding factor.

Mr. Stanton made a motion, seconded by Mr. Rabbia, to approve the Area Variance for Kosmas & Jeanne Sarigianni, 5697 Williamson Pkwy. to construct a residential addition to a house on a non-conforming lot. The lot area is approximately 11,756 sq. ft. where 15,000 sq. ft. is required. The lot is 68 ft. wide where 85 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 P. DRESCHER CO.,INC./PAUL deLIMA CO.,INC., 8550 PARDEE ROAD, TO ALLOW THE INSTALLATION OF A 4,500 SQUARE FOOT SOLAR ARRAY AT A 30 FOOT FRONT YARD SETBACK WHERE THE PRESENT SETBACK IS 75 FEET.

Representative: Kurt Stroman: Attorney for Paul deLima Co.,Inc./ P. Drescher Co.,Inc., Warner Energy

Mr. Stroman: I represent these Companies that propose to install ATW Solar Array for Paul deLima Roasting Facility at 8550 Pardee Road. Mr. Stroman brought a solar module and a piece of the frame that the modules would be set up on to show the Board. There will be 160 solar modules--they are the latest and greatest in solar modules--it's 1/4 inch thick--2 pieces each of 1/8 inch tempered glass. This would actually produce electricity right now--this is the fastest growing segment of solar. This module is smaller than the traditional--uses one 300th of the amount of sililcone required in a traditional solar module. We have an exclusive arrangement with the manufacturer of this module to distribute this throughout the United States, Canada, North & South America, Caribbean and Europe.

Mr. Rabbia: Where is it made ?

Mr. Stroman: This one is made in Taiwan. There's also a factory in Thailand, importers in India. As I mentioned before, Warner Energy will be the construction partner and we're also the supplier. We're located in the Town of Clay. We're also involved in the Wind Turbine installment. The proposed installation is shy of what we require to run the facility on a day-to-day basis but it will, in combination with the 10 KW wind turbine, help to offset some of our power. The demonstration, as you can see from some of our materials that we submitted, we are seeking an Area Variance. Current setback on the property is 75 ft. We're proposing to locate this 30 ft. off of Pardee Road. I understand that is a somewhat substantial, significant Variance we are requesting. The reasons for it are several, including the fact that most traditional solar installations are generally done on an existing rooftop, on the structure. Reasons for that are, that generally it's cheaper--it's somewhat easier. "Open Field" solar development has become a "hot" trend in the industry. More and more people are going to this--to develop a "solar farm". It's very prevalent in Europe and different parts of the world. It's the latest and greatest--it's the newest thing that's happening--they're popping up all over California, Arizona, Texas--obviously locales that have significantly more sun than Syracuse, New York. One of the reasons that we're doing this--we're also doing a 16 KW unit in the Town of Clay.

Mr. Stroman continued:

Our headquarters likes to demonstrate technology that has useful, practical application in the locale where we get 3 or 4 hours useable sunlight per day.

Mr. Rabbia: Why not put the panels on the roof?

Mr. Stroman: We don't want to put them on the roof for two reasons. #1, Paul deLima is a growing company. We've had a couple of very good years. One thing we're very desirous of in the next 2 years, we're probably at this stage, then to rip it all off in the future in the course of a plant expansion, we just don't think that's going to be smart. Additionally, part of our desire here, we can't hide from this, the coffee industry is an incredibly environmentally concious and very competitive industry. We have several national competitors in the industry that are currently powering facilities with solar technology. We are the only one we know of in the world that uses wind technology, we would like to combine that with solar. We do want this to be visible. We would like people to see this. There's no question that there's a little bit of a marketing tinge to this project--that it's very important for us to be a visible show for Paul deLima. The reason we've stayed away from other parts of the property, we do have a lot of acreage, as you can see on the survey map. We've had to stay away from other areas of the property because where we're contemplating an expansion of the building in some of the only useable property. The parcel is impacted by wetlands. It's obviously, as you can see on the aerial photos in your packet, it's significantly treed and again impacted by wetlands. We're proposing to locate in an area where there will be no shading from the building--that's a significant factor for us--we can't have these shaded by any natural environment or artificial construction on the premises or they won't work. We chose what we thought was the most readily available open area on the site to install this. Much like the wind turbine, we believe it's going to enhance the property and the charactor of the neighborhood. This is a renewable energy technology. It's a new "green" , environmentally friendly movement to generate a certain portion of our power through an environmentally benign resource. After reviewing the site plan and our possible expansion plans for the building, we settled on this location.

Mr. Rabbia: In which direction will the panels face-- towards the south ?

Mr. Stroman: Yes, due south, parallel if you're heading north on Pardee Rd. or Rt. 81.

Mr. Rabbia: How reflective are these panels ? Are they going to be a driving hazard, coming up Rt. 81 ?

Mr. Stroman: It actually won't be for two reasons. One is because they're set at a 25 degree angle. Imagine a 25 degree angle heading south--when the sun is in the southern horizon--the angle of incidence is going to equal the angle of reflection or glare. So all the glare from these panels is going to be thrown into the environment--up into the air. The only way the glare would impact a driver heading north would be if the sun moved from the southern horizon to the northern horizon, which is obviously, highly unlikely.

Mr. Natali: From your writeup, you have 160 of these panels, 40 of which are going to be on one "super table". Do you have an overall picture or diagram ? I can't tell in my mind what 160 of those is going to look like.

Mr. Stroman: The total area will be about 4500 sq. ft. and I think it's important to note, this is a sample of the framing that these are mounted on. It's a simple aluminum framing, very light weight, very strong. That is set on signal posts, which are used in highway construction for a guardrail--driven into the ground, then that framing is built. We build a table--we'd mount 8 modules wide , on a landscape setting, and 5 modules high. So, the table itself will range in height from about 4 ft. up to about 7 1/2 ft. It will be set at a 25 degree angle but given the material we intend to use, it's really not obtrusive and given the angle these will sit at--from a side view or a frontview--this whole structure is really not going to appear all that large. It's not like they are like a flat billboard.

Mr. Palladino: Is there a reason you go with the 4 ft. on the low end and not, perhaps, 6 ft. on the low end--then on up to 10 ft. ? 4 feet is just about eye line for anyone driving a car. Any reason it couldn't go up 2 ft.?

Mr. Stroman: We could. We have kind of followed the same model that's been used prevalently in Europe. We're actually partners with a German installation company that does a significant amount of the work. They're the largest installer in all of Germany. Their name is "Solar Technics". We basically have taken their table templates and copied them and we intend to use them in the United States. The reason 4 ft. was chosen is because you can still access the ground underneath and you're not going to impact the grass--the grass will still grow. The shadows from the modules themselves are not going to impact the growth of anything under there. The higher it is, the more accessible it is. Also, less potential vandalism or danger.

Mr. Palladino: Did you look at snow loading--snow impact ? We have wet snow.

Mr. Stroman: Yes, absolutely.

Mr. Palladino: When we have to clear the roads--we clean the roads !! Sometimes that goes flying. 30 ft.--that could be hit with snow.

Mr. Stroman: No question.

Mr. Palladino: With past practice, can these withstand that ?

Mr. Stroman: Yes, absolutely. These have been rated and UL listed for use in an outdoor setting. They're tested significantly. The UL approval process is pretty substantial. They actually soak these in water to make sure they're waterproof and that they can continue to produce safe electricity. Snow load is a factor for both the framing and for the module itself. They're both rated to withstand significantly more snow than we actually receive here in Central New York. Our framing company and the engineers that we have on staff--they do a framing analysis and a structural analysis everytime we design a system--from how these are mounted ,
Zoning Board of Appeals

May 3, 2010

Mr. Stroman continued:
from the amount of pressure they can take--breakpoints.

Mr. Palladino: Check the static load ?

Mr. Stroman: Yes, completely. We're not just looking at dead load when we do that--we can't. If we were to loose 160 of these--we know it's going to snow--we're not going to make an improvement like this, with the potential to loose them.

Mr. Palladino: Just a suggestion--if you did go up 2 ft.--you're out of the line of view--you'r not going to get hit with the snow. That 2 ft. to 8 ft. -- I can't help but think--even at a 23 or 25 degree angle--you've got a wide surface area.

Mr. Stroman: It's 4 ft. to 8 ft. One of the other benefits, as this starts to produce electricity, because it is so thin, it's black and it's going to attract and absorb sun. One of the benefits of this is, it will shed and melt snow faster. Most snow isn't going to sit on this panel and stay there for long. Even if a small corner of this panel is attracting sunlight, the panel heats up just enough to melt the snow and the snow sheds off.

Mr. Rabbia: Even if we're getting 2 inches of lake effect snow per hour overnight--you think it's going to melt off 6 inches of snow in the morning ?

Mr. Stroman: Yes, we think it's going to melt off significantly and very fast.

Mr. Rabbia: I'll be watching--I drive by it every day.

Mr. Stanton: How permanent is this installation ? Can it be taken down at any time or once you get it set up, is it locked into place ?

Mr. Stroman: It's intended to be permanent installation.

Mr. Palladino: In the future, are you going to add on more panels ?

Mr. Stroman: At the present, we don't have any plans to do any additional "Open Field" development of solar on the site. We will have to evaluate after we go thru the process of expanding the building, whether we want to do additional rooftop modules or whether we want to do any thing else on any other portion of the site that's useable at that stage, given the wetland concerns we have. At this stage, we were proposing to do an AK installation on that side.

Mr. Rabbia Are you going to fence it--what's going to keep vandals out ?

Mr. Stroman: We have no intention right now of fencing it. That is a concern of the Planning Board , as well. We've talked to them about that. The installation in Clay--we've decided not to install a fence there. From our perspective and also practices in Europe and other areas, it's really a premesis liability concern. It would be no different than someone walking into this building and throwing themselves into one of the pane glass windows or doors.

Mr. Stroman continued:

It's somewhat similar in that regard. It's a liability concern from an insurance perspective. We intend to insure it--we view it as a premissis liability concern. Unless the Town requires us to, we don't intend to fence it.

Mr. Rabbia: A lot of this plate glass is going to be a target for devious children.

Mr. Stroman: We do understand that--I can see how it would invite the potential for that from juveniles. The framing we use--we use safety screws to install the modules to prevent theft and vandalism to the extent that we can.

Mr. Stanton: With more than 1.2 million sq. ft. of land here, this is the only place you can put it ?

Mr. Stroman: It's the only place right now that would be economically feasible for us. I think I gave you all some aerial photos. If you look to the areas immediately north and east of the building itself--the entire site is treed significantly and with vegetative growth. Almost immediately to the north of the building is an area that has been designated as wetlands. Less than about one hundred feet off the back end-- north end of the building, we have wetlands. We originally proposed clearing a significant portion of that land and doing a much larger installation. Once we got into it and learned about the wetland issue, we decided it wasn't feasible to do that. It would have been cost prohibitive. The other option we looked at was looking to do something behind the building. The issues we have there are the amount of area we'd have to clear to install this would be pretty significant. You have to take the height of the nearest obstruction and multiply it by about 2 1/2 times it's height in order to determine whether the shading from that object is going to have an impact on the solar ray. Given most perimeters, once we look at the height of the building, the impact of the existing trees, and everything else on the site presently, for this area, we actually tailor-made this ATW array to fit within the area that we thought was available to us to be able to install this in a cost effective manner.

Mr. Natali: Plus, you want the marketing advantage.

Mr. Stroman: We do. It would be foolish for us to stand here and not say there's an intended benefit there.

Mr. Rabbia: Which way--you talk about possible future expansion for the building, which way are you thinking of going ?

Mr. Stroman: We have not even begun to talk to our Engineers about which way they want to go. The natural, given all the concerns, is off the back end of the building, heading east.

Mr. Rabbia: The roof would be perfect--all kinds of flat space.

Mr. Stroman: It would. We don't have any intention to be able to tell you, once we make the decision for this, whether we're going to expand or not, that we're going to put some more on the roof--we very well may. I know we're looking at our buildings in the Town of Clay to potentially do some on the roof. We're doing an "Open Field " there that's just double the size--16 KW--again, the same thing there, we went for an Area Variance to locate it near Morgan Rd.

Mr. Winters: What is the concern that we're establishing a precedent, in putting the technology so close to the road, for other requests ?

Mr. Natali: I'd really have to do some homework on that, John. It's state-of-the-art--it's new here. That's what puts the burden on us right now to do our due diligence because of setting a precedent. Kurt, did you receive anything from Onondaga County Planning ?

Mr. Stroman: It's been submitted as far as I know. I don't believe we're received anything.

Mr. Dean: I have to check on that. Their response, I believe, comes back tomorrow or Wednesday.

Mr. Stroman: I want to also note , we did have similar issues submitted to County Planning with respect to the 16 TWU installation that we have on Morgan Rd. That's a County Rd., similar approval process. That installation, I believe, is 40 ft. off the road, similarly situated--I guess that's the best way I can explain it. The other issue we have there is the road starts a little incline as we come up Morgan Rd. near our facility, so the concerns with the glare and shading they thought would be more pronounced, it actually works to our benefit, but the County did take an extra look at that.

Mr. Rabbia: Is the installation up yet ?

Mr. Stroman: It is not. We're intending to install it in about 2 months.

Mr. Natali: If there's an alternative, we have to try to find it. Would the roof top location require additional expense and to make it stronger to hold this ?

Mr. Stroman: It's entirely possible. The way the building is constructed--it's a 3 tiered building. The lowest tier would sit on the left side--about 18 ft. high. The next tier is about 35 ft. high and I believe the last tier is about 48 ft. high. The issue we would have there is, we would have to locate it on that top tier of the building. That is also where the exhaust from our roasting plant is sent out into the atmosphere. So, we have two issues there. #1- We're potentially creating a cloud around the modules which would shade the modules. #2-If we're going to expand, we're going to have to do it off that east end of the building, given the layout of the property. That would be the area impacted if we did expand. To locate it on either of the first two tiers of the building, it would be completely shaded.

Mr. Stroman continued:

It would receive shade for all but an hour of the day if it was located on the 1st or 2nd tiers of the building. So, our only option there is to be on the 3rd tier. The other issue we have on that 3rd tier is, not only smoke, we also have heat. Coffee roasters generate a significant amount of heat. This module actually reacts tremendously well in situations like that but I don't know if we want to test the capacity of the panel on that rooftop to it's tolerance to the heat coming off the coffee roaster or multiple roasters on that facility.

Mr. Natali: How do your neighbors feel about it ? National Grid and Clinton's Ditch ?

Mr. Stroman: We've received no objection from them. They've been notified by the Planning Board and the Zoning Board of Appeals. We've received no objections. Given the makeup of the neighborhood, the Clinton's Ditch has a significant gas (I think it's nitrogen) tank right on the front of the property. National Grid has the property with high power transmission lines across the back. As a Company, we firmly believe this will be far less objectionable than some of the surrounding uses.

Mr. Rabbia: Why doesn't the windmill run as much as I think it should ?

Mr. Stroman: Two reasons: 1- Wind turbines require about an average wind speed of 7 MPH. 2- Given the location we're in with the trees surrounding our building and the impact of the building, the wind turbine isn't working at full capacity. One of the safety mechanisms we've installed in that turbine is if it's not seeing good wind and clean wind, it will shut itself down.

Mr. Rabbia: It's off more often than not.

Mr. Stroman: Much to our chagrin. The 10 TW wind turbine we have there is something we developed from scratch. We originally got involved in the wind turbine industry because we wanted to power that facility with a wind turbine. We couldn't find anything that was commercially available that was appropriate size, so we designed that from scratch. It's been a great project for us. We're still contemplating how we want to roll that out to the market. We're trying to make it a little more cost effective than we figure it's going to be. We're really pleased with what it's done. Also, the benefit to having that there is that we are touting ourselves as one of the only coffee roasters in America and the would that's powered by wind. It has a significant marketing benefit to us.

Mr. Winters: Is there an installation somewhere that's somewhat similar to what you're proposing here ?

Mr. Stroman: There are several throughout the country. There's an "Open Field" proposal that I believe the University of Buffalo just put in a large open field solar installation last summer. The New York Power Authority actually just put out a proposal for a hundred megawatts worth of solar installations. I believe half of which is going to be located in "open field" settings--either in parking lots as covered parking garages--the other in farm fields/agriculture.

Mr. Stroman continued:

While there may not be a lot today, there's a lot on the way.

Mr. Winters: It's kind of hard to visualize something that's almost 100 ft, long and 40 ft. wide--what it's going to look like next to one of our roads. Is there any way you can get a picture so we can have a better idea of it ?

Mr. Stroman: Yes, I can submit pictures of solar installations in other places in the world. I can say this--to say it's 40-45 ft. wide by 100 ft. long-- I understand that's the total area that we're potentially going to be using with this but there's 20 some odd ft. between each table and the tables themselves--looking at the drawing I submitted, if you looked at it directly from the west--it kind of gives you a side view that's relatively representative--it shows the distance between the rows. The framing itself is very thin--kind of an open construction method. It really doesn't obstruct everything. The biggest area you're going to see would be if you were facing directly north standing right in front of it. If you looked at from the north, given that they're on a 25 degree angle, you're going to see about 5 ft. worth of modules that are going to be about 37 ft. wide in front of you. That would be the most ominous part of it because there are actually tables that are located directly behind the other. You really won't see one behind the other--you're going to see one in front of you.

Mr. Natali: Has your site plan been approved by the Planning Board ?

Mr. Stroman: I don't think our Public Hearing has been scheduled yet. We've submitted the plan to the Town. We're hoping to be on the agenda for a Public Hearing and SEQR soon. I don't know the date. We knew we had to come to the Zoning Board of Appeals first.

Mr. Natali: Mr. Stroman, if you do not have any objections, I'd like to defer the Public Hearing in case this gets a little momentum. And we're going to need the Onondaga County Planning Board's disposition.

Mr Natali made a motion to defer this matter to our June 1, 2010 meeting, at which time, hopefully we'll have the Planning Board's position and we'll know a little more about where the Planning Board is going.

Mr. Stroman: Understood. Just for the record, we are aware and understand procedurally that we have to be on the agenda for the Planning Board. We are under somewhat of a strict time line at this stage. Given the lead time it's going to take for us to finalize the framing, we'd like to get this installation in during the construction period for this year. We understand being deferred until next month, but also we're mindful that we're missing construction, we could be looking at next year. We just want to make that known for the record.

Mr. Stanton seconded the motion, with the concern that the County Planning Board may come up with a question that we did not think of at this point, that needs to get addressed.

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 7:47 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 May 3, 2010 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.

Nancy G. Morgan

May 14, 2010