

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: DECEMBER 5, 2011
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday December 5, 2011, at 7:00 P.M., at Cicero Town Hall, 8236 South Main Street, Cicero, New York 13039.

Members Present:	John Winters:	Board Chairman
	Donald Snyder:	Board Member
	Gary Palladino:	Board Member
	Gary Natali:	Board Member
	Mark Rabbia:	Board Member

Absent: None

Others Present:	Wayne Dean:	Dir. of Planning and Development
	Terry Kirwan:	Attorney
	Nancy G. Morgan:	Secretary
	Jessical Zambrano:	Town Board Liaison
	Donald Bloss:	Board Member, AdHoc

In as much as there was a quorum present, the meeting opened at 7:00 P.M.

Mr. Winters 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. Snyder, seconded by Mr. Winters, to approve the minutes of the November 2, 2011 Zoning Board of Appeals meeting. There were no corrections or additions.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

Motion was made by Mr. Winters, seconded by Mr. Rabbia, that all actions taken tonight are Type II Unlisted Actions under the New York State Environmental Quality Review Act with a negative impact on the environment, unless otherwise indicated.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

We have Proof of Posting for all cases on tonight's agenda on file in the Zoning Office.

Mr. Winters made the following announcement: Any action taken tonight will not be official until the minutes are filed with the Town Clerk, which has a deadline, by law, of two calendar weeks.

AREA VARIANCE, DEFERRED FROM NOVEMBER 2, 2011, FOR JOHN AND NANCY PAFUMI, 7061 LAKESHORE RD., TO CONSTRUCT A RESIDENCE ON A NON-CONFORMING LOT. THE LOT IS 50 FT. (+/-) WIDE WHERE 75 FEET IS REQUIRED. THE LOT AREA OF .2 ACRES IS ALSO LESS THAN THE 10,000 SQUARE FEET REQUIRED.

Representatives: John & Nancy Pafumi, Property Owners
Mara Holst, Attorney representing Mr. & Mrs. Pafumi

Ms Holst gave Board Members pictures of the Pafumi property as it stands today.

Mr. Winters: We would prefer to get material in advance but let's look at them and see what we've got.

Ms. Holst: The pictures you are viewing are of the property as it is today--the vacant property. You can see in the first set of pictures, Mr. Pafumi standing at the corner of the property. That is where the edge of the proposed building is going to be. It is my understanding that the complaint regarding this Variance is that the blocking of the neighbor's view of the lake. These pictures demonstrate the view of the neighbor's from the Pafumi's as well as directly in front of the neighbor's home, that made the complaint.

Mr. Winters: Where is he standing ? Is that the corner of the house or the corner of the porch ?

Mrs. Pafumi: That's the corner of the porch.

Mr. Snyder: The porch is in front of that ?

Mr. Winters: What's the red flag ?

Mrs. Pafumi: The red flag is where the edge of the porch is. And the first thing that you see is the view, looking at that corner with an easterly view.

Mr. Winters: Let's go back to the red flag now. That was there this afternoon--it's changed from this. The red flag is the corner of the porch or the house ?

Mrs. Pafumi: The red flag you see in the pictures is the corner of the house. The red flag was in front of me because that's the corner of the house where I was standing.

Mr. Winters: Where you are standing would be the corner of a 2 story covered deck, right ?

Mrs. Pafumi: 1 story on the second floor. The next photo #2 is the view directly east of our property. Photo #3 is the view directly east of that, which is right in front of the property. The next photo is the total view from the east to the west, from our property, to show that basically what you'll see , as the house comes down the lot--they'll see the edge of the house--it's not going to block much of their view. He's got a total panoramic view from east to west of the whole lake except for that one little side.

Mr. Snyder: You're talking about picture #3 now ?

Mrs. Pafumi: Photo #1 is his property. Photo #2 , John is standing at the edge of our porch.

Mr. Snyder: And the camera is in front of the sliding doors of your neighbor ?

Mrs. Pafumi: Yes, photo #3 is at the far west end of the Sparkes deck. Photo #4 is directly in front of the house. That's the view from either level from the Sparkes' house. The next photo, #5 , shows the same tree that's in photo #4, at a greater distance , going maybe 20 ft. west.

Mr. Kirwan: Where was he standing in that picture ?

Mrs. Pafumi: We're standing right under the Sparkes'deck.

Mr. Kirwan: In the middle or what ?

Mrs. Pafumi: Yes, right in the middle. Photo #6 is at his deck, looking directly at his patio , to the west of photo #5.

Mr. Kirwan: Where were you standing in that picture ?

Mrs. Pafumi: Right in the middle of the deck. Photo #7 is westerly again to show a greater, wider view. Photo #8 shows all the properties lined up, including ours, which at that time had fill on it, which is gone--this shows how the lot looks now.

Mr. Kirwan: When were these photos taken ?

Mrs. Pafumi: They were developed today--they were taken this afternoon.

Mr. Kirwan: Mr. Chairman, does the Board have any other questions, before we go any further, about what the pictures depict ?

Mr. Winters: I have a question about the location where the pictures were taken from ? The one view--photo #2--clearly shows that from their deck, you would not be able to see some of the point behind, to the right.

Mrs. Pafumi: Is your question "where were we standing" ? We were underneath his deck.

Mr. Winters: You're not in the center of the deck though ?

Mrs. Pafumi: No.

Mr. Rabbia: It would have been better if it had been in the center of the deck, right ?

Mr. Winters: Right.

Mr. Snyder: In photo #5, you're standing in the same place but looking west.

Mr. Winters: Photo #3 is completely outside of the deck.

Mr. Rabbia: On the west side of the house ?

Mr. Snyder: Yes.

Mrs. Pafumi: That is the west end of our step--photo #3.

Mr. Snyder: Yes, but you're standing on the west boundary of their property.

Mrs. Pafumi: Yes, I'm underneath his deck to the west side.

Mr. Rabbia: I have used no super, scientific evidence other than us "guestimating" the neighbor's house was going to be 35 ft. setback from their porch. We guessed about where it was on the property line. I drew some site lines last month and lo and behold, the site line intersects with the Pafumi rear, lake line about half way thru the width of their lot. Again, this is not scientific, but it certainly looks like--if you look at that view on photo #2--I would say that site line intersects probably half way thru the Pafumi lot. We "guestimated" last month where the neighbor's house was relative to their porch--about 35 ft. setback--I assumed an offset from the side line and I drew a line from the corner of the neighbor's home diagonally across--just skimming the Pafumi porch--I came all the way across the Pafumi property and intersected their rear property line along the lake, about midway across the width of the property. I was just playing around with site lines in the absense of photos. As I look at this, it's pretty close to what my "chicken scratch" indicated.

Mr. Snyder: Have the Sparkes seen the stakes ?

Mrs. Pafumi: There is something I'd like to say. Trying to work with the Sparkes has not been fun. Outside, after the last meeting, we tried to talk with them and his last comment was, " I want to see a 15 ft. stake so I can see what it does to my view ".At that point, he walked away and we left. Since then, out at the lot, they've come over and harassed us. We basically will not work with them anymore because we didn't want this to happen, to begin with--now we're stuck with it.

Ms. Holst: What Mrs. Pafumi is trying to say is that she has attempted to work with the Sparkes. They both spoke with the Sparkes--they adjusted the plan of their house--they set it back significantly--they did put up stakes so that the Sparkes could see where the property line was. We believe they've addressed all the issues. They're asking for a Variance for a change. A lot of other properties in the area have similar Variances. The Sparkes chose to keep their house on the original platform that was there for the camp. Many of the neighbors have gone for a change to upgrade from the property that was there. That's what the Pafumi's are asking to do. They're not asking to build a home that will take up the entire lot. It's smaller than they had originally planned. They don't want any trouble with the neighbors. The view was designed for what they've been asking for--I believe it's compliant with the Town Code and regulations. I do not believe there's any detriment at all. This proposal will benefit the neighborhood--it will add value--it will add tax revenue. As shown, in the photos shown to you today, that they are not blocking the entire view. In fact, they're blocking no view to the lake. However, If you look at the photos, they'll see 3/4, if not more, of what they were seeing previously. I don't believe they are asking for a substantial Variance. I don't believe there's an adverse effect on anything--the neighborhood, on the conformity of the properties in the neighborhood or the physical aspects or environmental issues in the neighborhood. I know that the Town has requested any building that is placed on this property--the property first has to be brought up to lake level. They have complied with everything that anyone has asked them to do.

Ms Holst continued:

They have looked into the environmental consequences of raising the level of the property--they have planned to deal with that in a way that does not affect the neighbors. I think they have done everything that the Town and the neighbors have asked them to do, up until today.

Mr. Kirwan asked Mr. Rabbia to circulate photo #2--with all the markings on it.

Mr. Rabbia: Yes, certainly. Just to make sure I understand your markings on here--basically you've drawn the deck essentially where he's standing, right ?

Mr. Kirwan: Yes, all the red would be the area where the Sparkes are concerned about. That they wouldn't be able to see to the east.

Mr. Snyder: I guess the line you drew would be if you stood in the middle of their property--up against the wall, not at the door.

Mr. Kirwan: Wherever he or she stands. That's the concern that this Board has articulated, right ?

Mr. Winters: Yes, that's the sticking point.

Mr. Snyder: If you look at the 2 different proposals--the 1st one and the 2nd one--as near as I can tell, there's about 18 ft. that the house has been moved back from the lake when we came up with proposal #2 and you went to 2 story. Is that correct ?

Mrs. Pafumi: I believe we went 35 ft. to 79 ft. footage from the lake.

Mr. Natali: 53 to 79 ft.

Mrs. Pafumi: Oh--OK.

Mr. Winters: Let me understand the porch. It's a second story porch with no roof. Is that correct ?

Mrs. Pafumi: No--it has a roof.

Mr. Snyder: In photo #2, where your husband is standing, is that the elevation of the 1st floor in this photo? Or are we elevated from there 4-5-6-7 ft. ?

Mr. Pafumi went forward to discuss the photo : The top of that stake where the flag is--that's a grade stake--the top of our floor has to be even with that stake, with the red flag.

Mr. Snyder: So, it's about to your knee--in the photo ?

Mr. Pafumi: Maybe just a touch more.

Mr. Snyder: So we're saying the 1st floor elevation is about 3 ft. above where you're standing and we're talking about 8 or 9 ft. for the story--then the porch roof is there.

Mr. Pafumi: Yes.

Mrs. Pafumi: Basically, it will probably be the height of Sparkes next door. I think there's about one foot difference.

Mr. Palladino: Is the porch enclosed or will it be open ?

Mrs. Pafumi: The intention is to eventually put windows in it but for now, it will be open with a roof.

Mr. Snyder: It appears it is--on the drawing it shows lines in between the posts. That probably represents the windows you'd eventually put in there. In the new drawing, it doesn't show the posts.

Mr. Winters: There's going to be an upper deck, right ?

Mr. Snyder: When you look out your master bedroom window, you will look down at the roof of the porch, correct ?

Mrs. Pafumi: Yes. There's no porch on the 2nd floor.

Mr. Winters re-opened the Public Hearing at 7:25 P.M.

FOR: NONE

AGAINST: Donna Sparkes, neighbor on the west side of the Parumi's spoke. She gave the Board Members some additional information and read the following statement:

For those of you not present at the October meeting and November meeting, I'll briefly explain the results of those meetings. At the October meeting, Mr. Winters expressed his concern of the fact that the proposed Pafumi residence would greatly obstruct the view from the neighbor's newly constructed house, This new house was built off of the existing footprints so as not to obstruct the view of our neighbors. We spoke with the Pafumi's after the October meeting and they agreed to the suggestion that Mr. Winters made of looking out our house to see how much they would obstruct our view. Nancy said she would want to do it that week as they would be going on vacation the following week and wanted to work on revising the plans while on vacation. We never heard from them, nor did we hear from them anytime before the next meeting in November. At no time did we tell them that they couldn't build or had to go off of their original footprints. which would have mad for a very small house. At the November meeting, Mr. Winters also expressed the concern that too much of our view would be obstructed and that they needed to make revisions.

Mrs. Sparkes continued:

My husband and I spoke about the fact that they never made an attempt to contact us and Nancy denied the fact that she had ever agreed to that. Mr. Winters again suggested that the Pafumi's speak to us again about our concerns that the wall of their house sticking out so far past our house and deck would impair our view. After this November meeting, we spoke with them outside again and my husband suggested that he would hold a 16 ft. board up at the corner of their house and they could look through our windows to see how much they would block us from seeing the lake off to the east. Mr. Pafumi's comment to my husband was "I don't give a s---". After this comment, we are thinking that maybe they should build off their original footprints because if they don't care about us, why should we care about them? They seem to want it all--no stairs to climb and a garage to park in on a lot that is too small to build a house of any size without going up more floors. Nancy's concern was they are getting older and don't want to climb stairs and want a garage to park in. We have a handicapped daughter in a wheelchair because of spina bifida, which is a birth defect. We are managing with stairs (mind you, we're about the same age as the Pafumi's) and no garage and still able to build a house of significant size to live in. Since the November meeting, they have built their small parcel of land up with about 20 ten-wheeler loads of sand and stone. This has raised them up 18 in. to 2 ft. higher than us so obviously they don't care what they do to their neighbors. Isn't there a Code against this in an area adjacent to a lake? We have had no water problems in the past and don't want any in the future.

The Public Hearing was closed at 7:32 P.M.

Mr. Snyder: I don't appreciate getting a letter before a meeting, before we make a decision. It upset me today when I opened up my folder and got a letter from a lawyer basically threatening to bring the Town a law suit if we didn't vote in a particular way. In fact, the letter was written as though we had voted against the request that was submitted to us. Personally, that bothers me to no end.

Mr. Rabbia: I am struggling with the site line thing. I missed the October meeting but was here for the November meeting. Again, I think there's almost a full site line from the Sparkes residence all the way across the far eastern corner of the eastern corner of the Pafumi property line. I guess I'm not seeing what we're worried about. After drawing some site lines it's nearly 70 to 80 % across, from the back property lines. The photos somewhat confirmed it when I saw them today.

Mr. Winters: I've given this a lot of thought over the last 2 months. I think, clearly, the lakefront is one of the most sensitive areas in the Town. The people that buy there, as far as I know, buy there for 2 reasons: one is access to the lake and the other is the view of the lake. This is not the result of any survey or anything else, but my opinion is that if we were to ask residents along the lake what they would think about blocking 25 % of an existing view.

Mr. Winters continued:

I think the answer would be--overwhelmingly opposed. I'm concerned that it will impact the property values on either side. Also, it can have further impacts down the road, as a lakefront community. My personal opinion is that we should not go there--we shouldn't open that "can of worms". The Town has dealt with site lines along the lake with an Ordinance, which does not apply in this situation, but, to me, it's indicative of a Town that does want to protect the views of the residents along the lakefront particularly. That's where my sensitivity to this comes from. Once it's up, there's nothing that can be done. I have not seen anything that tells me that it's not going to be a problem.

Mr. Rabbia: Let me understand your comment--you said 25 %--what did you mean by that ?

Mr. Winters: You said they still had 75 % of their view.

Mr. Rabbia: Across someone else's property line--right .

Mr. Winters: Not the whole part.

Mr. Rabbia: Right. I just wanted to make sure you understood I was talking about the neighbors--across the Pafumi property line. The counter to that is--I think we or you, whoever--we have to be careful of that, because where does it end in terms of site lines especially when the shore line twists and turns a little bit. Maybe somebody can see a mile down their property line based on the way the shoreline goes. And someone wants to build something a half mile down--what do we do in that case ?

Mr. Winters: I don't think we want to set a precedent either way--not that we would be.

Mr. Rabbia: If we were to move forward with this Variance, do you think there would be a precedent set ?

Mr. Winters: No--there's facts so everything is treated on a case by case basis.

Mr. Natali to the Sparkes': Are you absolutely clear with the new proposal that has been put forth ? Have you seen the new setbacks and the downsize of the house over over the original ?

Mrs. Sparkes: We saw where they last placed the stakes before they put the building, which is still blocking our view. We didn't hear it went back all that far, but then again, I don't know if I knew where it was originally. We have never seen the pictures you are looking at.

Mr. Natali: Have you ever made an offer to buy that land ?

Mrs. Sparkes: No.

Mr. Natali: If it was for sale, would you purchase it ? (no reply from Mrs. Sparkes)
Probably not because of the price. I guess what I'm saying is , you don't own a view when you buy a piece of property. If you have a 190 degree view--one day , if you don't own the property on either side, there is no guarantee when you bought that property that you would always have that 180 degree view. Hopefully, you would have it straight out in front of you and some other.. That's why we try to keep things in line so that nobody overbuilds where it's close to the lake. That's assuming a straight shoreline. If you don't have a straight shoreline--then you have something different--if somebody has an appendage into the lake, obviously they're going to end up blocking someone's view--we have had cases with that. Are you sure that the sacrifice they've made--cutting back the property from 53 ft. to 79 ft.--a difference of 26 ft.--they've also cut their house substantially smaller.

Mrs. Sparkes: We haven't seen the plans.

Mr. Natali: The decision is up to this Board. I just want you to know they've (the Pafumi's) made substantial revisions, which probably should have been pointed out in the letter the Attorney sent to us. Under factor #2: Can some other means satisfy this Variance ? Our goal is to minimize a Variance, not to deny a Variance.

Mr. Rabbia: The other thing is , the house meets all the bulk regulations for setback as it sits right now.

Mr. Rabbia made a motion to approve the Area Variance for John and Nancy Pafumi, 7061 Lakeshore Rd., to construct a residence on a non-conforming lot. The lot is 50 (+/-) feet wide where 75 feet is required. The lot area of .2 acres (8712 sq. ft.) is also less than the 10,000 sq.ft. required. He then went thru the 5 factors considered when approving 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. There maybe some disagreement on this Board but I personally looked at it from a perspective of site lines and the Sparkes' being able to see 75 to 80 % across the Pafumi property lines.

2- Whether the applicant can achieve their goals via another reasonable alternative that doesn't require an Area Variance ? Answer: No. In this case they can't make the lot any wider and they can't add any area to the lot. I think the way the house has been placed, meeting all the bulk regulations has been a very good attempt to satisfy the Zoning in this particular area of the community.

3-Whether the Variance is substantial ? Answer: No. Again, because there's not much you can do from a "create more land" prospective--there's not much you can do to minimize that.

4-Whether the Variance will have an adverse impact on the physical or environmental conditions in the neighborhood ? Wayne, They have to bring the property level up to a certain elevation ?

Mr. Dean: They have to bring the first floor elevation up.

Answer to #4: There were some comments made about environmental conditions.

Clearly, I would think if there's issues, they would be addressed by the appropriate agencies in the community.

5- Whether this is a self-created difficulty ? Answer: The owners bought the property. Whether they knew the lot was 50 ft. and they needed 75 ft. in this district--I don't know. I think the fact that the building itself meets the bulk regulations, as far as setbacks and area. I think they've made a good attempt to satisfy the Zoning. No, I don't believe it was self-created.

Mr. Rabbia: My decision is indicated by the plans submitted dated October 2, 2011--the plans attached with the letter dated December 1, 2011, from the Wegerski Law Firm.

Mr. Natali seconded the motion.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Natali:	Yes
Mr. Paladino:	Yes
Mr. Snyder:	No
Mr. Winters:	No

Motion duly carried.

AREA VARIANCE FOR CHRIS HUXTABLE, 5397 GUY YOUNG ROAD, TO CONSTRUCT A GARAGE ON AN INDUSTRIAL ZONED PARCEL. THE PARCEL IS USED FOR A RESIDENCE BUT THE EXISTING STRUCTURE DOES NOT MEET THE SETBACK REQUIREMENTS. THE FRONT SETBACK IS LESS THAN THE REQUIRED 75 FT. THE SIDE SETBACK FOR THE PROPOSED GARAGE OF 10 FEET (+/-) IS ALSO LESS THAN THE REQUIRED 30 FEET.

Representative: Chris Huxtable, Owner

Mr. Huxtable: I'm seeking a Variance for a piece of property--it's the parcel for our residence--it's zoned Industrial. I'm seeking residential setbacks. I want to build a garage on the property and with the Industrial setbacks, it pushes the garage into an area that floods seasonally. If I go with the residential setbacks, it would put the garage farther to the south side on a higher piece of property that's presently open, eliminating the need to fill a lot of property or remove trees. I could still have it in the same location, not directly behind my neighbor.

Mr. Rabbia: You have a garage already on the property, correct ?

Mr. Huxtable: Yes, a small one.

Mr. Rabbia: Are you going to demolish it or would it stay ?

Mr. Huxtable: No, it would stay. The new garage would be for storing antique cars and a workshop.

Mr. Snyder: How would you access the new building--from what direction--from Oak St.?

Mr. Huxtable: Yes, a driveway into that area.

Mr. Snyder: So, you would come in Oak and drive to the end of the building ?

Mr. Huxtable: Yes, just north of the garage.

Mr. Rabbia: Wayne, refresh my memory--they can have 3 buildings on property in an Industrial Zone ?

Mr. Dean: Yes, if it meets the coverage.

Mr. Rabbia: I just wanted to make sure about the requirements in that Zone.

Mr. Snyder: When I was out viewing the property, my question was , is there a way to make this a little better for your neighbor, by moving the building a little more towards Oak St. It might or might not require the removal of the pine tree but it wouldn't require the removal of any other trees. That would open up that 10 ft. piece to something wider. Would you be willing to think about that ?

Mr. Huxtable: That wouldn't be a problem.

Mr. Snyder: How much would you be willing to increase that by and still not cause you concern ?

Mr. Huxtable: I could easily go 15 ft. or more. I was just trying to stay close to the 75 ft. setback. Yes, that could be moved to the east.

Mr. Rabbia: When you're talking about the 75 ft., you're going to Oak st., correct ?

Mr. Huxtable: Yes.

Mr. Rabbia: But you have a Guy Young Rd. address, right ?

Mr. Huxtable: Yes, I'm on a corner lot.

Mr. Rabbia: OK, you've got "2 fronts".

Mr. Snyder: I can see why you placed it in a north-south direction, because of the obvious wet area. In fact, it was wet when we were there. So, I can see why you moved it south , as you did. My only concern was, if we could move it closer to Oak St., I personally saw no problem with what you want to do.

Mr. Rabbia: I agree.

Mr. Huxtable: It's not a problem.

Mr. Rabbia: Even if you came 10 or 15 ft., you're farther away than the existing garage or house.

Mr. Dean: This is complicated because it is zoned Industrial. It has been for years. That's what necessitates the 75 ft. setback. If you look at this as a typical residential piece of property, you would have a 30 ft. setback.

Mr. Rabbia: That's what I was getting at earlier. I don't have a problem with 30 or 40 ft.

Mr. Natali: We've approved a lot of residential homes that are in an Industrial Zone.

Mr. Snyder: Wayne, are you suggesting we move it yet closer to Oak St. ?

Mr. Dean: No, I'm just saying, residential is a 30 ft. setback, anything beyond that is acceptable.

Mr. Rabbia: How big is the proposed structure ?

Mr. Huxtable: It's proposed at 28 ft. X 40 ft., a pole barn.

Mr. Winters: If he moves it 15 ft., it gives him 25 ft. on the west side towards his neighbors. That would seem to be sufficient.

Mr. Palladino: We could move it 20 ft. Then that eliminates one of the Variances.

Mr. Rabbia: I was going to go with Gary's point--get him 30 ft. away from the side.

Mr. Palladino: You're proposing 10 ft. off of the west side now--you could move it another 20 ft. without any problems for you. That eliminates one of the Variances that are in front of us, because you do need that 30 ft. side setback. We have to look at it for a Variance off of Oak St. anyway.

Mr. Snyder: I guess what I'm concerned about , if we move it that far, I think you're going to be into other than those pine trees.

Mr. Huxtable: Yes, there's a large maple back in there.

Mr. Natali: Is it that close?

Mr. Huxtable: There's 2 ash trees and an Oak.

Mr. Snyder: 15 ft. would be close--might even take the pinetree. If you go more than 15 ft. , you're going to be into some of the hardwood.--for 5 or 6 ft in an Industrial location --in a residential area. I'm not a "tree hugger", however, I do like trees.

Mr. Rabbia: I'm fine either way.

Mr. Dean: With the pole barn type construction, it's not like you're going to be digging a footer and ruining a whole line of roots. You may disturb a small patch of roots. It's going to be better for the tree and it's more likely to withstand the disturbance.

Mr. Winters: Is Guy Young Rd. a County road, Wayne ?

Mr. Dean: I'm not positive about that. I believe it is.

Mr. Winters: We probably should get a letter from them before we finalize this.

Mr. Rabbia: I'm just wondering if we should have a letter from the County because Guy Young Rd. is a County Rd.

Mr. Dean: It's not a requirement to send anything to the Planning Board--County or State Rd. ? I thought you had to do that for a State Rd.

Mr. Natali: It's required for a County road.

Mr. Winters: Can we deal with it tonight, contingent on a letter ?

Mr. Kirwan: Yes, because you're going to have to wait for the letter anyway.

Mr. Natali to Mr. Huxtable: When did you want to start building ?

Mr. Huxtable: In the spring.

Mr. Natali: OK, because the letter is required.

Mr. Winters: If we do it contingent on that, he's going to have to come back.

Mr. Snyder: "The tree hugger" would like, with the thought you would be flexible to move, I think I would like to take another trip to your residence with a tape and squeeze that 10 ft. as far out as we can get it without taking down those big trees--if that's 22 ft. or 26 ft.

Mr. Winters opened the Public Hearing at 7:59 P.M.

FOR: NONE
AGAINST: NONE

The hearing was closed at 8:00 P.M.

Motion was made by Mr. Winters, seconded by Mr. Snyder, to defer this case until we receive the letter from Onondaga County Planning .

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

AREA VARIANCE FOR LESLIE SPECTOR, 6331 MUSKRAT BAY RD., TO RE-CONSTRUCT A RESIDENCE WITH AN ADDITION ON A NON-CONFORMING LOT.THE LOT IS 45 FEET WIDE WHERE 75 FEET IS REQUIRED. THE SIDE SET-BACK (WHICH WILL BE MAINTAINED) IS 3.7 FEET WHERE 6 FEET IS REQUIRED AND THE TOTAL SIDE SETBACK IS 12 .1 FT. WHERE 15 FT. IS REQUIRED.

Representative: Robert Eggleston, Architect speaking for Owner, Leslie Spector

Mr. Eggleston: Leslie would like to improve her old house. She has decided to enlarge it a little bit. Basically, working with the footprint she has, placing a small addition on the site plan that I gave you.. I have colored it yellow to show the footprint--and pink for the additions--a porch on the lake side and a porch and a little bit of living space on the road side. The existing house--we want to maintain the 3.7 ft. setback on the north and the south east side of the property line. Any new structure will require 6 ft. Then the combined --we have 8.4 ft. on the opposite side of the house--the total side setbacks are 12.1 ft. where 15 ft. is required. Although, that never occurs at the same place because there's some offsets of the house. Actually, it's 8.4 ft.and 6.4 ft. So, those are the side yard setbacks we're maintaining. We're here for a Variance because of the lot width of 45 ft. where 75 ft. is required. We're maintaining 131 ft. from the lake. We're working closely with the neighbors. I consulted with them and showed them the plans so they understand what we're proposing. We're keeping it a 1 and 1/2 story house so it's not overly large in appearance. We actually only have 1800 sq.ft. of living space--it's a small house for a small lot--a 1500 sq. ft. footprint. This is similar to other lots that have been re-developed. We chose to do something esthetically pleasing that will hopefully improve the value. We talked to the two adjacent neighbors and one is here to speak on his own behalf. They have signed a letter which we have submitted, that said they have no objections. Any questions ?

Mr. Rabbia: Yes-- what did you mean on your plan, you said 0 sq. ft. of porches on the existing structure. What did you mean by that ?

Mr. Eggleston: There were decks in the front and the back. There were no porches. Your Zoning law differentiates porches and decks.

Mr. Rabbia: I understand. Kudos to this layout. You made it easier.

Mr. Natali agreed--they should all be like this--color coded.

Mr. Eggleston: We do a lot of this in Skaneateles so I'm used to it.

Mr. Winters opened the Public Hearing at 8:07 P.M.

FOR: Jerry Willis, 6329 Muskrat Bay Rd. , neighbor to the west, shares the driveway with Leslie. He spoke in favor of the re-construction. Mr. Eggleston showed him the plans.

AGAINST: NONE

The Hearing was closed at 8:09 P.M.

Motion was made by Mr. Palladino, seconded by Mr. Winters, to approve the Area Variance for Leslie Spector, 6331 Muskrat Bay Rd., to re-construct a residence with an addition on a non-conforming lot. The lot is 45 ft. wide where 75 ft. is required. The side setback (which will be maintained) is 3.7 ft. where 6 ft. is required and the total side setback is 12.1 ft. where 15 ft. is required. Mr. Palladino went thru the 5 factors considered when making this approval:

1- Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties ? Answer: I don't believe so. She's taking down a house and putting up a completely new house.

2- Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue ? Answer: No, the only 2 Variances are the side and the lot width, which can't be changed.

3- Whether the requested Area Variance is substantial ? Answer: No, I don't believe so.

4- Whether the alleged difficulty was self-created ? Answer: Yes, it was, due to the fact there's a proposal to put up a new house.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Natali:	Yes
Mr. Palladino:	Yes
Mr. Snyder:	Yes
Mr. Winter:	Yes

Motion duly carried.

There being no further business before the Board, the meeting was adjourned at 8:12 P.M.

I, Nancy G. Morgan, stenographer for the Zoning Board of Appeals of the Town of Cicero, Onondaga County, State of New York, and the person who attended a meeting of said Board of Appeals held December 5, 2011 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.

Nancy G. Morgan

December 17, 2011