

STATE OF NEW YORK  
ONONDAGA COUNTY  
ZONING BOARD OF APPEALS

MINUTES OF MEETING  
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: MARCH 7, 2011  
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday March 7, 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 Natali:	Board Member
	Mark Rabbia:	Board Member

Absent:	Gary Pallidino:	Board Member
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Others Present:	Wayne Dean:	Dir. of Planning and Development
	Steve Procopio:	Codes Enforcement
	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.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.Rabbia, seconded by Mr.Natali, to approve the minutes of the February 7, 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. 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. Snyder:	Yes
Mr. Winters:	Yes

Motion duly carried.

We have Proof of Posting for all cases on tonight's agenda and they are 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 FOR NORTHEAST PROPERTIES,LLC, 5590 STATE ROUTE 31 TO INSTALL A DRIVEWAY WITHIN THE ALLOWED 150 FEET FROM THE STREET LINE INTERSECTION.

Representative: Steve Brown, Owner

Mr. Brown: Last summer the Lawton Road Extension was put in. The entrance of my parking lot on Rt. 31 is about 25 ft. from that new intersection on Rt. 31. I'm proposing we put the driveway on Lawton Rd., as far back as I can from that intersection but I don't have 150 ft.. I can get about 100 ft. back. I think you all have a copy of the survey.

Mr. Winters: We've looked at that. Would the edge of the driveway be pretty much on the southern property line ?

Mr. Brown: It will be close but there's some wet land back there so I can't get it all the way back--there's a swale going thru.

Mr. Winters: Then you would close the west driveway ?

Mr. Brown: Yes, the front of the parking lot is not connected. The one on the east side is for the tenants.

Mr. Winters: Then the driveway to the east would continue as it is ?

Mr. Brown: Yes.

Mr. Snyder: I thought the DOT was requiring you to close both Route 31 entrances ?

Mr. Brown: I didn't hear that.

Mr. Snyder: Where did I read that ?

Mr. Kirwan: It's at the bottom of the resolution.

Mr. Snyder: Yes--it says "the proposed driveway along the road shall be set back as far as possible. All access to Rt. 31 must be closed per NYSDOT."

Mr. Brown: I thought they were just referring to that access.

Mr. Snyder: I have a problem with it because if you were a gas station, you'd have all kinds of entrances in and out of your building. You didn't decide to put Lawton Rd. in, somebody else did. Now you have a problem. The only way I can see you could solve that would be to bring the driveway in the back--have it go all the way across the back of the building to get people to the rental side of your building, without totally destroying your front or your garage parking area.

Mr. Brown: That's the problem and in the back there's a holding tank and a vent for the sewer--can't access around the back.

Mr. Winters: What latitude do we have with that statement, Terry ?

Mr. Kirwan: You can over ride them with a super majority, which is a majority plus one, so today it would be all four of you.

Mr. Winters: It does put a hardship on him. Wayne, do you have a problem with that ?

Mr. Dean: I agree. It's not something that is his fault. They put that road in and I can't see how they can request him to close both entrances on Rt. 31. I don't know if they went out and visited that site or not. There's no cross connection between the two entrances, as Mr. Brown said--the one is for his tenant--he wants the other one off Lawton Rd. for his business. He's trying to help the situation rather than have an entrance 25 ft. from the intersection, he wants to put it 100 ft. on a lesser traveled road. I think he's only helping the situation.

Mr. Snyder: The one thing we do have--he has 167 ft. on Route 31. I wonder if we should be thinking about moving the east exit closer to the east property line. We could almost get it 150 ft. off the corner. So when we're over riding what the DOT is saying--we're saying--"we're going to get rid of one--the second one we would allow because we would move it as close to your east property line as possible."

Mr. Rabbia: I didn't measure it. Does anyone know how far that east entrance is from the eastern property line ?

Mr. Procopio: It's about even with the end of the building.

Mr. Natali: It looks close to that.

Mr. Brown: It's past the end of the building but it's close.

Mr. Kirwan: Let me take a step back. What DOT says, we don't have any control over. If they say all access to Rt. 31 must be closed, they'll never give us a permit for a curb cut--for a new one. So, we'll have to live with what DOT is saying, if we have to close all access to Rt. 31 then you can't over ride that.

Mr. Rabbia: Why would DOT come out so strong on that ?

Mr. Kirwan : The DOT is coming out strong on a lot of stuff now.

Mr. Snyder: We've got a business man that's trying to make money in our Town. He has a building that was there before we changed the road. He's not going to be too far from the 150 ft. from the corner, where his entrance on the east side--his rental property. I don't think we should just roll over because of the DOT. It's not his fault.

Mr. Kirwan: All I'm saying is, you can do whatever you want but you're going to--whatever determination you make tonight,subject to DOT. Wayne , do you disagree with that ?

Mr. Dean: I'm not certain he's going to have to get a DOT permit to work on Lawton Rd. That's not a State road, it's a Town road. They're saying that's what DOT would like to see--both access points closed. It's happened before--when they make a recommendation like this--if it's over ridden by a super majority.

Mr. Kirwan: (inaudible) subject to other agency approvals, if any. Maybe they don't need approval from you. But, why would they pass judgement on it if it's not the State ?

Mr. Dean: That's just their comment when they looked at this. They want to limit access as much as they can and move things as far away from the intersection as they can.

Mr. Rabbia: So, if Mr. Brown is agreeable to closing the west entrance/exit and just leave the east access there. Then move the entrance on Lawton Rd. as far back from the property line as possible.

Mr. Winters: The action of closing one driveway does not require a Permit ?

Mr. Dean: I'm not positive. I don't know what he would do to close it--regrade it, or what you would do. But , if you are working outside of your property line, in their ROW, you are going to require a Permit to do that work.

Mr. Brown: J.K. Tobin is still working on that job and they said they have to finish that side. They said they would grade that and that it would be gone. I was going to hire them to put the drive in on Lawton Rd. They said they would have to redo the one on Rt. 31 anyway.

Mr. Winters: They would get the necessary permits ?

Mr. Brown Yes.

Mr. Winters opened the Public hearing at 7:12 P.M.

FOR:                   NONE  
AGAINST:            NONE

The Public Hearing was closed at 7:13 P.M.

Motion was made by Mr. Rabbia for Steve Brown, Northeast Properties LLC, 5590 State Route 31, for approval of an Area Variance to install a driveway within the allowed 150 ft. from the street line intersection--the proposed driveway on the survey dated 2/4/11.

That driveway is to be put as far back on the new Lawton Rd. as possible. Also, the west side entrance off of Route 31 is to be closed and the east side entrance on to Rt.31 is to be left as is. This would be subject to NYSDOT approval and review, if any. He then went thru the 5 factors considered for 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. I think having the entrance off of Lawton Rd. will be a benefit to him and the traffic in the area.

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 way his property is set up, he needs an Area Variance to have an entrance along Lawton Rd.

3- Whether the requested Area Variance is substantial ? Answer: No. In the grand scheme of things, I don't think the Variance is substantial. I don't have an exact dimension but I'm guessing he's going to be very close to the 150 ft.

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, I think it might be an improvement, from a safety factor, in terms of entering and exiting his property via Lawton Rd then turning on to Rt. 31.

5- Whether the alleged difficulty was self-created? Answer: No, a road is going in , in front of this business, that wasn't there before. He wants to get an entrance on to the new road. I don't think that was self-created.

Motion was seconded by Mr. Natali.

Mr. Rabbia added to the motion: "I believe the loss of the entrances off of Rt. 31 would be an adverse impact on his business, based on the way his property is set up and the way he has utilities on the back side of his building." Mr. Natali seconded that also.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

USE & AREA VARIANCES FOR JOE & JOANNE CORASANITI AND GREG & LISA HENSON, 7275 LAKESHORE ROAD. A USE VARIANCE TO REMOVE TWO PRE-EXISTING SINGLE FAMILY RESIDENCES AND CONSTRUCT A NEW DUPLEX RESIDENCE IN AN R-10 ZONE. AN AREA VARIANCE BECAUSE THE LOT IS 50 FEET WIDE WHERE 75 FEET IS REQUIRED.

Representatives: Greg & Lisa Henson and Joanne Corasaniti, Owners.

Mr. Henson: We have two seasonal camps on one lot that have been in Joanne's family since 1976. My brother is married to her sister--my other brother is married into the family that owns the other camp. Joanne's aunt who owned the camp in front passed away. Then we were tenants-in-common. Then we decided to buy this property together in July. We bought it with the intention of improving the lot. It's been neglected over the years and is run down. You can see by the pictures we gave you. We wanted to bring some life back to it and have it for our children in the future. We intend to put substantial money into the property and make it a joint family venture for both families--tenants-in-common-- to enjoy the waterfront there. They are run down now. It would be a welcome site for the neighbors to have something newer there. This would be a year round house--we're willing to put money into the property. We're looking for the Use Variance to go forward with this, to improve the property for ourselves and the people around us. The proposal shows we're going to create bigger offsets from the property line than are currently there and we're going to be further off the lake than we currently are. We will improve the line of site for residences on either side. Both camps are currently connected to the water and sewer. They're being resided in during the summer months. We would like to make that a year round scenario. That's why we came here.

Mr. Winters: In my experience, this is a very unique situation. I've looked along the lakeshore and I haven't seen any similar dwellings along the lakeshore.

Mr. Rabbia: We've never done anything like this , in 12 years at least. A Use Variance is a big deal. Did anyone step thru what's required to get a Use Variance with you ?

Mr. Henson: We've gotten a very big education in the last six months. Yes, it is a big process and I know how difficult it is. What we've gone thru and what we see is that the properties themselves have been separate tax bills. There has been 2 structures and 2 living residences on that property since 1940. If you look at the way things were done back then--the surveys and the offsets-- one side is like nothing and the other side is nothing as far as the offsets. We're trying to create something pleasing to the eye that people around us will like and will be able to enjoy. I understand what you're saying--how difficult it is.

Mr. Rabbia: I think you have a situation where you don't have a permitted use for a dual resident structure in an R-10 zone. I think you'll have to go thru some pretty significant steps to prove unnecessary hardships. There are very rigorous steps you have to take to show, in dollars and cents, that you can't use this property for anything else other than this 2 family structure.

Mr. Henson: If I'm wrong correct me. One of the criteria is that it's a unique situation, which I think we've already discussed that it is a unique situation, since we haven't seen this yet. The one I wasn't clear about--one I've heard about--is "can tenant realize reasonable return or lack of reasonable return is substantial". Can you explain that please .

Mr. Rabbia: What that means is-- if you go thru the permitted uses in your zone--in that zone you can have a one family residence, you can have an enclosed accessory building, you can have a private garage. You have to go thru each of those uses and show that you can't make a reasonable return. One of the options may be the sale of the property. You have to really go thru it and prove that for every permitted use, what you want to do outweighs the one family residence, enclosed accessory building or private garage. You have to prove each element of the hardship and you have to prove that it's compatible with the neighborhood. A 2 family structure in that part of the neighborhood is not necessarily the most compatible, in that area.

Mr. Henson: Even if it was probably going to be smaller than the house next door ? I guess my thought process was, after speaking with--I know what you're saying. I know there's rules and regulations based on what we can and can not do. One of the things you just said--"can we sell it"-- is there a guide line ? Can we sell it for what we paid for it ?

Mr. Rabbia: Reading the words here--it requires you to show by competent financial evidence that you are unable to realize a reasonable return on your original investment by complying with the established zoning regulations. Could you sell it and someone put up a single family house ? Yes.

Mr. Natali: I'd like to say in support of my colleague--We've just had the properties on the lake reassessed 100 % to value. I think it would be very difficult--the hardship is a financial, unique hardship not the situation of how it was in the family, where they're located, what it's going to do to the property it's going to improve. It's the financial hardship.

Mr. Natali continued:

Quiet honestly, the values of the properties on the lakeshore have gone up significantly. And you have to try to sell your property, then come into us and say "the best offer I got was \$105,000 which was all I paid or \$205,000 or \$305,000" and that would just be a start. The other thing is, it definitely changes the character of the neighborhood, which most Variances, whether it's a Use or Area Variance, do not change the character of the neighborhood. That's sort of a given. Also, it is self-created. You may have considered making it contingent upon being able to build a duplex before you actually invested in the property. I know it's been in the families. But going forward, it's all about dollars and cents. The financials show what you paid for it, shows offers you have turned down, shows that you've tried to sell it for other things, Maybe the people next door would want to buy it to put up a garage on it. There are quite a bit of steps going forward and we don't go to the Area Variance unless we get past the Use Variance. My recommendation would be, if you're serious about going forward with this, then you're going to have to follow some steps. We'll be glad to outline what we're going to need, in figures, to go forward and consider it.

Mr. Rabbia: One option would be--they could make improvements to the structures as they sit, correct ?

Mr. Natali: Within the footprint.

Mr. Rabbia: You could make improvements to the 2 structures on the property, if you choose to do that.

Mr. Dean: They can not be enlarged without a Variance.

Mr. Snyder: Is the family relationship such that in fact, a one family structure could be shared between 2 families ? You wouldn't be building 2 kitchens, 2 full baths, 2 half baths--you'd be building a one family structure. It eliminates most of the discussion we just had.

Mr. Henson: When we first came in, we thought of that. We're looking at it a little differently, minus what you just took out of the equation, that being 2 kitchens, etc.--without a demising wall is what I guess we were thinking, without making it a true duplex with a separating wall. Is there a Code against having 2 kitchens and 2 baths without having a demising wall between ?

Mr. Snyder: Do you mean what's the definition of a duplex--is that what we're saying ? Our problem is, in that zone, we can not have a 2 family house .

Mr. Henson: How about a house shared by 2 families ? Without a true demising wall--I don't know what a definition of a duplex is--is it a solid masonry wall between two separate living areas ?

Mr. Ntali: We don't have a definition of a duplex but your plans would have to be approved by the Code Officer, not this Board. I think he would question 2 kitchens, 2 bathrooms.

Mr. Snyder: Is there a simple definition of a single family home ?

Mr. Rabbia: Yes. A detached building used as living quarters by one family.

Mr. Dean: That's the stickler right there. How do I enforce that ? I'm not going to go around asking for family trees.

Mr. Winters: It is a challenge that we're faced with here.

Mr. Henson: It is a unique situation. There aren't many of them left. I imagine, in some point in time years ago, there were such situations.

Mr. Snyder: I think , as near as we can tell, what happened if there were other cases like yours, when they got to the point where they wanted to do something with the structures, they tore them down and built a single family unit because that was the only thing once the zoning situation was put together.

Mr. Henson: Which would make sense back when they were buying the property for \$40,000 .

Mrs. Henson: The only thing I want to bring up is the tax bills we've been paying for the last 36 plus years is that it's listed as a "280" multiple residence.

Mr. Snyder: That's why we could allow you , with a permit, to renovate both properties, within the same footprint of them, without a Variance but we can't let you tear the two of them down and build a 2 family home.

Mr. Dean: On the tax bills, it shows the use of the property, not the zoning. They're two completely different separate things ,

Mr. Rabbia:

You have a pre-existing, non-conforming condition. Your houses have been there a long time. Zoning came in after your house was built so you have a situation that exists prior. It doesn't fit into the current zoning. So, if you knock down the houses and start again, you'd have to build up within the current zoning rules with the setbacks, uses, etc.

Mrs. Henson: Why would the zoning be listed as multiple residences instead of R-10 if there's all ready 2 structures on it ?

Mr. Dean: The zoning is established in accordance with the Comprehensive Plan for the Town--how the Town wants the land to look or the use of the land--what they want to see, not how it's used now. They have a plan to make it Commercial all the way from Cicero to Brewerton.

Mr. Dean continued:

Are there houses there--certainly there are but they're non-conforming because they were there but the Zoning was changed for that portion of the road. So, it's the vision for the Town what the Zoning is. It's not how it's used.

Mr. Winters: One other thing I'd like you folks to consider, looking to the future, should something happen to either family, it makes it really difficult to sell or rent it out. It's a real problem for the future.

Mr. Henson: I believe we've made provisions for such a thing as part of the advancement. It's been taken care of with our lawyer. One other thing I'd like to know. There are possibly townhouses going up the road from us. My question would be--if I could just understand the difference between townhouses where they're going up the road and townhouses if they're part of Lakeshore Rd on the lake side ? How would that differ? Are they getting a Use Variance ?

Mr. Dean: They're being developed in accordance with the Town regulations. It's called a "Planned Unit Development". They've been to the Planning Board about 4 or 5 times and it still isn't approved yet. It was approved by the Planning Board, in concept. It still has to go to the Town Board to get final approval to be developed, as the Planning Board approved. They went thru a very rigorous process to get where they are now and they still aren't done. Part of that is to change the Zoning to PUD, which is a zone just like Single Family is.

Mr. Henson: I understand what you're saying. But I guess my point to that would be, the fact that someone did get a zone use change. Obviously, that was not zoned what it is currently going to be used for.

Mr. Rabbia: I think Wayne was mentioning the developer of the property, whoever that was, put together a plan and went before the Planning Board to ask to do a PUD and I think Wayne said they still have to go before the Town Board and actually get a Zone Change, not a Use Variance, if he's going from R-10 to a PUD Zone.

Mr. Dean: The Town Board has the final approval of the Zone Change. That parcel where the townhouses are going was zoned Commercial. It wasn't even zoned Residential, so there is a difference there.

Mr. Rabbia: I don't think the Town Board would approve it unless they saw the work from the Planning Board, maybe some engineering work, some drainage work, etc.

Mr. Henson: So, could we get a Zone Change?

Mr. Dean: It's not an acceptable practice to just zone one small parcel at a time, like you've got. That's called Spot Zoning. That's not an acceptable practice for a single parcel.

Mr. Winters: I don't think you'd have any success getting that approved, because of the nature of the lot.

Mr. Dean: I'm not disagreeing with what you're doing. I think it's beautiful. I love the concept--I think it's nice--certainly an improvement of your property but as far as the Town goes, it's setting a precedent--in 10 or 15 years we're going to see duplexes up and down the lake. That's what we have to look out for. Everyday in our Office, we hear it 3 or 4 times a day--"how come he got to do it?" I don't care what we do, we hear that. Whether it's we let someone have 2 abandoned cars or let somebody build a shed too close to the property line. We hear it everytime. Everytime we tell somebody they can't do something, they have 3 instances where it's already occurred and they want to know how those people have done it. That's what I see happening here.

Mrs. Henson: What's wrong with a duplex or a townhouse, you make it sound less attractive?

Mr. Dean: No, I said I love it and I think it's certainly an improvement in what you're doing. But it's going to happen up and down the lakeshore if we let it begin.

Mr. Henson: I understand what is being said. In all due respect, you're doing it a quarter of a mile up the road. That's different because it's in a community-like setting but you're still going to be looking at townhouses. And you're going to look at townhouses up at Fisher's Bay. It's one of those things--they are around and it's not a scarce sight. There are 2 or 3 developments that are advertised in the paper everyday right now for duplexes and townhouses right on a lake setting. That's why we're here because somehow they got approved. We thought maybe you'd see our side.

Mr. Winters: I think we're really sympathetic to what you're trying to do but there is a concern there of that area--the R-10 zones are really very small. You look to the future and you think about the number of people that want to change and put up a duplex or a rental unit, it's just not part of the vision for the community.

Mr. Rabbia: Have you seen the criteria for the Use Variance? Have you seen some of the language of what's required?

Mr. Henson: I know I've seen some of it. I'm sure there's more.

Mr. Rabbia: I want to give you the opportunity to read thru some of it and what we're typically looking for when someone comes before us for a Use Variance.

Mr. Dean: We can make a copy tomorrow and mail it to them.

Mr. Rabbia: From a Zoning Board prospective, there's certain things we have to see for a Use Variance. We just can't say "yes, I like you, I'm going to give you a Use Variance." You have to go thru the steps we were suggesting.

Mr. Henson: I think that's what we were trying to do, just follow the steps that were portrayed to us when we made the initial contact. They said that we would have to go for a Use Variance. As far as the whole criteria, I don't think we saw everything. What we did was what we thought was correct. We tried to plot it out on the current survey.

Mr. Rabbia: Which is correct for the Area Variance. The Area Variance is the other side of this. Once we get past whether you can do this in an R-10 Zone, then you've got the Area Variance about the site project on your property. You have to have the Use Variance before you go to the Area Variance.

Mr. Henson: As it relates to any renovations to the structures, is that an architectural rendering of what's going to be done, then it has to go to the Town Board ?

Mr. Natali: We don't have an architectural requirement. There's no Architectural Board in the Town. I just want to add one thing. Wayne mentioned a precedent . This is a seasonal place for you folks to go now. Do either of you live in the Town ? Answer was no. Do you live in a single family home? Answer was yes. Suppose your neighbors across the street or next to you said " I can't handle the taxes, I lost my job, I want to knock my house down and I want to put up a duplex. Wouldn't you want your town--Clay, Dewitt, whatever--to make a Use Variance?

Mr. Henson: Again with all due respect, I understand where you are going with this but if you were to drive up and down Lakeshore Rd. , there's an area of houses--you're not talking \$400,000 houses and sticking a duplex in the middle. You're talking about everything from a quanset hut to a \$400,000 house. As you look all the way down the road, they're all different types. I do understand your point.

Mr. Corasaniti: You're not going into a neighborhood where everything is uniform same homes, they're all different. I did speak with one of the neighbors and she was all for it. She thought it was a great idea and had no objections to it.

Mr. Henson: I understand and when I receive the criteria, I'll look it over and see which way we want to go. Is the renovation part of it done thru this Board also ?

Mr. Winters: It goes thru the Code Office.

Mr. Winters opened the Public Hearing at 7:45 P.M. but is not going to close it. He's leaving the Public Hearing open.

FOR: Joe and Joanne Corasaniti and Greg and Lisa Henson  
AGAINST: NONE

Motion was made by Mr. Winters to defer this case until a subsequent meeting. Whenever they and Wayne are ready, we'll put it back on the agenda. Motion was seconded by Mr. Rabbia.

Motion was put to a vote, as follows:

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

Motion duly carried.

AREA VARIANCE DEFERRED FROM FEBRUARY 7, 2011 FOR LEN DI MAGGIO, 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.

Mr. Winters: Mr. DiMaggio called the Office today and said he would not be here tonight. Wayne and Mr. DiMaggio's Attorney have not been able to do a walk-thru of the property yet. Since I closed the Public Hearing at the last meeting, he only has until the next meeting. Mr. Winters asked Mr. Kirwan what the Board's options are.

Mr. Kirwan: You're deferring it , right ? You offered to him that you would defer it until the next meeting ?

Mr. Winters: Right, yes we'll defer it until next meeting. We closed the Public Hearing last meeting--that starts the "62 day clock". As of tonight, he's used up 30 days.

Motion was made by Mr. Winters, seconded by Mr.Rabbia, to defer the Area Variance for Len DiMaggio until the April 4 meeting.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

Mr. Natali to Mr. Procopio: When you originally talked to the Henson's, did you let them know that the steps moving forward were pretty rigorous ?

Mr. Procopio: They spoke to me and to Wayne about the options. They were optimistic about it and decided they were going to buy the place. I don't have the criteria you're talking about. He was given a copy.

There being no further business before the Board, motion was made and unanimously approved to adjourn the meeting at 7:50 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 March 7, 2011 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.

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Nancy G. Morgan

March 15, 2011