

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: MAY 2, 2011
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday May 2, 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:	Wayne Dean:	Dir. of Planning and Development
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Others Present:	Steve Procopio:	Codes Enforcement
	Donald Bloss:	AdHoc Board Member
	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.

Mr. Winters introduced the Board's new AdHoc Member, Donald Bloss.

Motion was made by Mr. Snyder, seconded by Mr. Palladino, to approve the minutes of the April 4, 2011 Zoning Board of Appeals meeting, with the following correction: Page 6, last paragraph, last line of Mr. Natali's statement. Add the words "fill the position".

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. Snyder, 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 FOR KEVIN DAVIDSON, WHITING ROAD (TAX MAP #088.-01-01.3), TO CONSTRUCT A POLE BARN ON A PARCEL ZONED FOR AGRICULTURE USE. THE PARCEL IS LESS THAN 1 ACRE WHERE 2 ACRES ARE REQUIRED FOR NON-AGRICULTURE USE AND THE SIDE SETBACK IS 15 FEET WHERE 50 FEET IS REQUIRED.

Representative: Kevin Davidson, Builder, speaking on behalf of the Owner, who could not be in attendance this evening.

Mr. Davidson: It's kind of a worthless lot. We'd like to put a pole barn on it and clean it up a little. There was a building there that had fallen down--we got rid of that. A house can't be built there--you can't get a septic field there.

Mr. Rabbia: Do you own the property ?

Mr. Davidson: No, Dave Skybor owns it.

Mr. Rabbia: Would you be buying the property ?

Mr. Davidson: No, I'm the Builder--I'll be building the pole barn.

Mr. Winters: What is the intended use of the building--farming ?

Mr. Davidson: Just a storage building.

Mr. Natali: What specific kind of storage ?

Mr. Davidson: Just general storage. It's not going to be a business.

Mr. Natali: Nothing essential, where it has to be a certain size for a certain size truck or something ?

Mr. Davidson: No. It will be a 40 ft. X 50 ft. building--a popular size building. Chances are that he won't be able to do anything else with it, period.

Mr. Palladino: What is the height going to be ?

Mr. Davidson: No more than 16 ft.

Mr. Palladino: Is there a reason why you had it 15 ft. on one side and 45 ft. on the other ?

Mr. Davidson: That's where the other building was --the one that fell down.

Mr. Palladino: Is that what's indicated as the barn on the survey I'm looking at ?

Mr. Davidson: Yes.

Mr. Palladino: So, it doesn't matter if it's 15 ft.--you'd move it over to make it 20 or 25 ft. over ? You've got farm land on one side and a house on the other side.

Mr. Davidson: Yes. I had some help from the Zoning Department. I've never done this before.

Mr. Rabbia: Do you have a preference where it's located--the back of the lot--could you move it back toward the center of the lot a little bit ?

Mr. Davidson: Oh, yes.

Mr. Snyder: How are you going to access it-- from South Bay Rd. ?

Mr. Davidson: There's a driveway already in from South Bay Rd.

Mr. Natali: It's a dirt road.

Mr. Davidson: It's stone.

Mr. Snyder: So, you're going to access it from South Bay Rd. not Whiting Rd. ?

Mr. Davidson: Right.

Mr. Natali: Would you consider building something smaller ?

Mr. Davidson: Yes, I guess so. The lot is so big, that's why I went with a 40 ft. X50 ft. building.

Mr. Natali: It's not quite an acre where 2 acres are required .

Mr. Snyder: You're going to be the builder--you're not the owner of the property ?

Mr. Davidson: Right.

Mr. Snyder: Is the owner of the property here ?

Mr. Davidson: No.

Mr. Winters: Regardless of the width of the building, he's going to require at least a Variance for one side setback and a Variance for the 2 acre requirement.

Mr. Natali: Is there any particular reason the owner could not be available tonight ?

Mr. Davidson: He didn't know any more about it than I did. He was told one of us needed to be here. He thought I could answer more questions than he could.

Mr. Natali: Do you think he would consider something smaller ?

Mr. Davidson: Yes, he just wants to be able to do something with it. When he bought the lot a few years ago, then the Zoning changed so now he's kind of stuck, where he can't do anything with it at all.

Mr. Natali: Well no, a garage is fine. It's allowed in an Agricultural zone, but the size--are you familiar with what the County's recommendations were ?

Mr. Davidson: I couldn't figure out what they were trying to say.

Mr. Natali: Sometimes we have to read it 2 or 3 times ourselves. Basically, they feel the size of the lot could have a storage building within the approved Code setbacks without a Variance. What they're saying is, you could build a smaller building to fit within the setbacks within the Code.

Mr. Davidson: Do you mean like a 20 ft. wide building ?

Mr. Natali: I haven't done the math but we can.

Mr. Procopio: Gary, no, you've got the 15 ft. setbacks on the side. The lot is only 100 ft. wide and you need 50 ft. from every property line for non-residential use.

Mr. Natali: It would be a lot smaller than you think. You could have the size of the existing barn--it would fit on there--you might need a small Variance. What would you consider, Mr. Davidson ?

Mr. Davidson: I don't know. What would my options be ?

Mr. Natali: For starters, could you center it a little more ?

Mr. Davidson: Yes, I could put it in the center of the lot. I guess my theory was, if later on, sewers went down the road and somebody wanted to put a house there, it would be nice to be able to do that.

Mr. Snyder: If you talk about doing that in the future, what's our percentage for coverage --about 30 % ?

Mr. Procopio: 20 %.

Mr. Snyder: There might not be enough square footage left to put much of a house on it, if you could.

Mr. Winters: You want to go off South Bay Rd. because the driveway already exists ?

Mr. Davidson: Yes.

Mr. Winters: How about if you go 30 ft. on either side for setback and say 50 ft. off South Bay Rd. You've got your driveway in place ?

Mr. Davidson: The lot is 100 ft. wide.

Mr. Winters: I kind of like it back closer to South Bay Rd. because the neighbor's house fronts on Whiting Rd., so you're kind of out of their vision.

Mr. Rabbia: His hand sketch is grossly out of scale.

Mr. Winters: Is that the driveway that shows 23.3 ft. ? Doesn't that encroach on the other person's property ?

Mr. Procopio: That's the setback to the South Bay Rd. property line, not the driveway.

Mr. Davidson: So, if I put the 40 ft. by 50 ft. in the middle of the lot, just shove it back off South Bay Rd.

Mr. Snyder: 50 ft. off South Bay Rd. You'll be more than 50 ft. off Whiting Rd.

Mr. Rabbia: If he goes 50 ft. off South Bay Rd., he might not be able to get that on each side.

Mr. Winters: Aren't they parallel ?

Mr. Davidson: South Bay is at an angle.

Mr. Palladino: Aren't they parallel ?

Mr. Rabbia: Yes, parallel--I guess you have to pick your point. You're suggesting the northerly boundary line of his property ?

Mr. Snyder: You have 247.77 ft. as the short side--so he took 100 ft. out of there, then you've got 147 ft. He's going to put 60 ft. there-- we're still more than 50 ft. off of Whiting Rd. and we're still 50 ft. off the shortest distance from South Bay Rd.

Mr. Procopio: As soon as you put 30 ft. on that northern property line, you move farther away from South Bay Rd. What you have to realize on that survey---the barn that's no longer there-- if you go to the back of that--that's probably about 50 ft. from the South Bay Rd. property line--because the front of the building only had about a 23 ft. setback and it was only 25 ft. deep. It's not drawn on here properly. The pole barn would begin roughly where the back of the old barn was.

Mr. Rabbia: Yes, that's exactly what it's going to turn out to be.

Mr. Winters to Mr. Davidson: Is that alright with you ?

Mr. Davison: Yes.

Mr. Snyder: We are working with that 247.77 ft. on that short line--take 100 ft. out--take 60 ft.-- we're still in good shape. We're far enough away from the frame house on Whiting Rd. so it doesn't encroach much on their adjacent side line.

Mr. Winters opened the Public Hearing at 7:16 P.M.

FOR: NONE

AGAINST: I'm speaking on behalf of Karen Juszek, 8567 Whiting Rd.

We respectfully ask the Board to completely reject this application. It's nothing more than an eyesore in a country setting. It would be a barn the size of this room as a next door neighbor.

Mr. Natali: Can you give us some more specifics ?

Ms. Juszek's spokesperson: She bought the house because it's a country setting. There used to be an old barn there, which was rustic, but to have a pole barn put there now, it's a little extreme and the size is extreme. And where he's talking about putting it would be basically right along side of her house. Looking out the back door on the deck, that's what you would look at.

Mr. Winters: As you say Mark, we don't have anything to scale here. Before we go forward, Mr. Davidson, could you come back with a drawing to scale of what the whole thing would look like ?

Mr. Davidson: Yes.

Mr. Winters: I think that would help us all to understand and also if you could verify the placement of the house is accurate also. I think that will give us more information.

Ms. Juszek's spokesperson: It's a big open lot now. Looking out her back door, sitting on her deck, that's what you're going to see.

Mr. Winters: We understand your point. We're going to move to table it until we have more information.

There being no others to speak for or against, the Hearing was closed at 7:21 P.M.

Mr. Winters to Mr. Davidson: If you can come back with a true scale drawing showing the property as you're proposing to build the pole barn. Is it a package pole barn ?

Mr. Davidson: No. I built one on South Bay Rd. that's real similar to it.

Mr. Winters: Could you bring us a picture of that ?

Mr. Davidson: Yes,

Mr. Winters: Also, verify the location of the house so we get a good idea what the site plans are.

Mr. Rabbia: I think one of the things we want is where the pole barn sits with the 30 ft. setbacks--to scale. I think what we can do next time is play with where that barn is going to be positioned east/west on the property line.

Mr. Winters: We have a fair amount of latitude going the other way also.

Motion was made by Mr. Winters, seconded by Mr. Natali, to defer this Variance request for Kevin Davidson until the Zoning Board of Appeals meeting on June 6, 2011.

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 HEIDI ALFORD, 101 KAYWOOD ROAD, TO CONSTRUCT A DETACHED GARAGE ON A CORNER LOT WITH A FRONT SETBACK OF 20 FEET WHERE 30 FEET IS REQUIRED AND A REAR SETBACK OF 10 FEET. WHERE 30 FT. IS REQUIRED.

Representative: Heidi Alford, Owner.

Ms. Alford: According to the survey you have in front of you, I currently have blacktop and a garage there. The garage was split prior to my purchase of the home so I have a 1 car garage there. I do need a 2 car garage. What I'm looking to do is move down Thompson Rd. and build a 24 ft. X 24 ft. two car garage so I can put both cars in the garage. What I would do, because of the recommendation of the Onondaga County Planning Board, the blacktop that's currently showing in the driveway would be dug up and I would put grass there instead. The driveway would then be located where I put the 24 ft. X 24 ft. garage. According to the letter from County Planning, that's the only recommendation they have right now.

Mr. Rabbia: After you make the driveway modification, you'll drive straight in from Thompson Rd. into the garage ?

Ms. Alford: Correct.

Mr. Rabbia: Per the County recommendations, you will tear up your present driveway, as it is ?

Ms. Alford: I would tear up 3 to 5 ft. in to keep some blacktop there.

Mr. Rabbia: Almost like a median ?

Ms. Alford: Yes.

Mr. Snyder: Directly outside of what is now the garage door and the entry to your house, you'd make a blacktop patio ?

Ms. Alford: Right. I would cut, instead of the 17.8 ft. there now, I would cut about 5 ft. at the end, make that grass and the rest I'd keep blacktop, because there's still an entrance door right there.

Mr. Natali: The property to the south of the proposed garage, that empty lot is all part of that other property ?

Ms. Alford: Correct. I would say there's an acre empty lot right behind me.

Mr. Natali: That belongs to the other house ?

Ms. Alford: Yes.

Mr. Rabbia: I drove by the property. I was concerned about the sight lines but the fact that this garage will be a little further back even than the existing corner of the house--that was my biggest concern. I don't see a problem.

Mr. Palladino: Are those trees yours ? On the property line ?

Ms. Alford: There's trees that run along the empty lot. Those are the next door neighbor's trees. Across the front and Thompson Rd. there's trees--about 12 trees across the front. They're all coming out--the ones on Thompson Rd. on my property. That should open up the visibility even more.

Mr. Winters opened the Public Hearing at 7:27 P.M.

FOR: NONE
AGAINST: NONE

The Hearing was closed at 7:28 P.M.

Motion was made by Mr. Palladino, that the Board approve Heidi Alford's request to an Area Variance for her property located at 101 Kaywood Rd., where she'd like to build a 2 car garage. Looking at the survey she provided I see 3 Area Variances we should address. 1- Is the minimum building line, where it's recommended 85 ft. I see 80 ft. so we're looking for a Variance of 5 ft. 2- The side setback for the minimum, which the Code requires a minimum of 10 ft. We actually have 7 ft. on the west side of the property where the house is--so we're looking for a Variance of 3 ft. 3- The Code requires the rear setback of 30 ft. and we have 10 ft., so it's a Variance of 20 ft. It applies to the new garage.

Mr. Rabbia: I missed that--I didn't understand the 3 ft.

Mr. Palladino: The west part of the house--the property line.

Mr. Procopio: No, that's a fence. The fence is on the property line. That's not the setback. It's just an indication that the fence goes on the diagonal.

Mr. Snyder: I'm a new member of the Board--I'm confused as to why we are looking at an 80 ft. situation--that's a pre-existing condition--that has nothing to do with what this woman is asking for.

Mr. Procopio: Actually, the lot is not non-conforming because the 80 ft. is to the radius. The actual lot is wider than 80 ft. It's really the setback from Thompson Rd. and the rear setback.

Mr. Snyder: I guess what I'm concerned about is, when someone comes to the Board and asks for a change based on something they're doing, I don't think that should open the door for us to look at every "cotton-picking-thing" that's going on on that site. There should be some pre-existing condition. If the Code Office wants to go and cite these people for these things, that's fine. But I don't think it's necessarily our authority to look at a site and everything that might be out of compliance with the Zoning. I'm saying, we would be looking at the issue with the garage and what is required to make her in conformance because she's building a garage--not because she has a house that's 7 ft. from the property line--she can't do anything about that--I don't understand.

Mr. Rabbia: I guess I disagree with you because if you don't pick up on it now--let's say she comes back and she wants to do something to the back of her house. We've always said--"while we're here, let's go into the property and address everything that we see as a problem and fix it now, while she's standing in front of us for a Variance".

Mr. Natali: By definition, this is a pre-existing, non-conforming lot. She can't move the buildings. So, as long as she's making a change, the responsibility is on us to bring it in. All it is is adding another Variance--not that we're not going to let her build a garage but we're making all the property Variances to conform currently. It will help her down the road. I have a situation we can use in training--there's a position right now where somebody wants to sell a property on Route 11 but it's a pre-existing, non-conforming lot. The person doesn't want to buy it until the other person brings it "up-to-speed", which is a \$200 fee. She can't do anything about it but once she makes an addition or improvement, we're obligated to bring it up to her so they don't come back to us--how did we approve a new garage and didn't fix something that was out of compliance. We've been doing it like this ever since I've been on the Board.

Mr. Winters to Mr. Kirwan: Terry, I'm going to defer to you. My understanding is that this Board does not have original jurisdiction--they can not cite. Is that correct ?

Mr. Kirwan: Yes, we've had this debate before. I think the whole purpose behind this is just to clean it up. It's not to deny anybody anything. Some Towns will just focus on the 24 ft. X 24 ft. garage--some will focus on everything just to clean it up. But you don't have the power to cite her or deny her based on these other things Mark is bringing up. Neither way is wrong.

Mr. Winters: Doesn't the Zoning Officer have the authority to clear those pre-existing conditions on his own ?

Mr. Kirwan: Certainly, the Zoning Office can cite whatever problems they see, in addition to the proposed structure.

Mr. Winters: He could clear those on his own ?

Mr. Rabbia: I don't think he could grant the Variance on his own, right ?

Mr. Kirwan: He can make a determination that it's a legal non-conforming use.

Mr. Palladino: So, that brings up a question. We don't have 7 ft. on the side ? Where's the property line?

Mr. Procopio: This survey doesn't tell us much---unless you have a different one than I do. Are you talking about the west property line where you see the diagonal line. ? That is an indication of a fence. I assume it's less than is required--we don't know what it is.

Mr. Palladino: So, this survey doesn't show the west border ?

Mr. Procopio: No, it doesn't show to the west property line.

Mr. Rabbia: Skip that one--I think that is the west line.

Mr. Palladino: We should at least have a survey with all the borders on it.

Mr. Snyder: We don't dare to start scaling these drawings. You saw what the County did. The county yelled at someone because they put a mark on the survey map. They said we shouldn't do that. How's the young lady supposed to tell us unless she marks up her survey?

Mr. Palladino to Ms Morgan: OK, scratch all that. We're going to approve the Area Variance, concerning just her new proposed garage. We're looking at a rear setback. The Code requires 30 ft. We will have 10 ft. so we need a Variance of 20 ft.

Mr. Kirwan: Excuse me, do you have the front yard setback as well ?

Mr. Palladino: What's with the front yard ?

Mr. Kirwan: Thompson Rd.

Mr. Palladino: Is it Thompson Rd. or Kaywood Rd. ? It's a Kaywood address.

Mr. Kirwan: Technically, she has 2 front yards. Thompson and Kaywood because it's a corner lot. It's 30 ft. from the garage to Thompson Rd.

Ms. Morgan: Let me get this straight. You're approving the Variance for just the garage?

Mr. Palladino: We have 2 Variances: First one is covered. The second one is a requirement of 30 ft. from Thompson Rd. to the front of the garage, where 20 ft. is indicated on the drawing, so we're looking for a Variance of 10 ft.

Mr. Palladino reviewed the 5 factors considered for an Area Variance:
1- Whether an undesirable change or detriment will be produced in the character of the neighborhood? Answer" No, the garage will be set back and there will be some coverage by a line of mature trees.

2-Whether a benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than a Variance ? Answer: No, due to her lot configuration, she will require a Variance.

3- Whether the requested Area Variance is substantial? Answer: No. We're talking about 10 ft. in one spot and 20 ft. in another. Not a substantial Variance in the overall layout of the property.

4- Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district? Answer: No.

5- Whether the alleged difficulty was self-created ? Answer: Yes. She's electing to put a garage there and it requires a Variance.

Motion was seconded by Mr. Snyder.

Mr. Kirwan: Can I stop you--to modify your motion to comport with Onondaga County Planning Board's recommendations, the applicant did in fact say that she was going to remove the driveway and that she is going to relocate the driveway. Make that a condition of the granting of the Variance.

Mr. Natali: She actually needs a permit from the DOT.

Mr. Kirwan: Right, you should make it a condition.

Mr. Palladino: I agree with this change to the motion: The Area Variance approval is on condition of complying with the recommendations of the Onondaga County Planning Board.

Mr. Snyder agreed with the change, as second to the motion.

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 HAYNER HOYT COMPANY (SRC, INC.) , 7351 ROUND POND ROAD, TO CONSTRUCT A BUILDING ADDITION WITH A HEIGHT OF 64 FEET WHERE 60 FT. IS ALLOWED.

Representative: Maggie Werts, representing Hayner Hoyt Co.

Ms. Werts: I'm here to request a 4 ft. height Variance on the long 50 ft. , over finished grade for a 9 ft. X9 ft. section of the building for a tower and addition.

Mr. Winters: Is this going to be like an elevator ?

Ms. Werts: There will be an elevator in it and stair tower. It's their access to the roof.

Mr. Snyder: Their access to the roof isn't a hatch is it ?

Ms. Werts: No, it's stairs with a door.

Mr. Snyder: That's why you need the height ?

Ms. Werts: Yes. Just so you know a little history--the design team did look at shortening the structural steel to get below that 60 ft. mark but unfortunately, with the chambers that my client wants to install and the mechanicals that are involved, there's just no way to get out of it. We may be at 62 ft. but most likely it will be 64 ft.

Mr. Snyder: The build isn't a storage building?

Ms. Werts: No, not a storage building. They're going to put in a chamber laboratory.

Mr. Rabbia: So they need the height for real testing, not just decorative.

Ms. Werts: Right. The actual building is 45 ft overall. They need access to the roof because they may also have testing going on the roof, too.

Mr. Winters: What does the Company do ?

Ms. Werts: SRC (Syracuse Research Corp.) They develop defense systems for the government. They're not-for-profit. They're very big tax payers in Cicero.

Mr. Rabbia: Are you sure this is it-- you don't want to build anymore ?

Ms. Werts: Not right at this time.

Mr. Winters: There is a concern with the proximity to the airport. Have you discussed it with the FAA ?

Ms. Werts: Not to my knowledge but just knowing that some of the trees over there are taller than that, I shouldn't think it would be a problem.

Mr. Winters: Our approval would have to be on contingent on the FAA approval.

John Sims from SRC : I thought the permit actually triggered communication with the FAA .

Mr. Procopio: It may or if you have to go to the Planning Board, that may also. We'll check again before we issue the permit.

Mr. Winters: We just want to know that piece is covered.

Mr. Snyder: The other thing is the wetland issue. I know you've all done this before and you have to be real careful and especially nowadays, it's even more under inspection than in the past. We have to make sure we do the things that are required for protecting that area.

Mr. Sims: We've filed a joint application with the Corp of Engineers and NYSDEC. The Corp of Engineers has given us approval based on our 45 day notice with no response. We're still waiting on the DEC now.

Mr. Natali to Mr. Procopio: What was Crackerbarrel ? We allowed them to go over 60 ft.

Mr. Procopio: That was before my time--I don't know.

Mr. Rabbia: The sign at Crackerbarrel is 160 ft. plus.

Mr. Natali: My point is , we've done in access of 60 ft. before.

Mr. Winters opened the Public Hearing at 7:39 P.M.

FOR	NONE
AGAINST:	NONE

The hearing was closed at 7:40 P.M.

Mr. Snyder made a motion to allow an Area Variance for Hayner Hoyt Company for SRC, Inc. at 7351 Round Pond Rd. to build a stair/elevator tower at 64 ft., which is 4 ft. more than the current Code allows. He reviewed the 5 factors considered for a Variance:

1- Whether an undesirable change will be produced to change the character of the neighborhood ? Answer: Obviously not. We've all looked at that site. No residents are going to look at it--it's around the corner of the building.

2- Whether a benefit could be achieved by any other method? Answer: Yes , they could lower the existing building in the ground but that's not feasible with the water table we have so they had to do it ground level up, which means the elevator tower had to go up 64 ft.

3- Whether the request is substantial ? Answer: Obviously not because we've approved taller Variances in the Town than this one.

4- Whether the Variance will have an adverse effect or impact on physical or environmental conditions ? Answer: Absolutely not. It shouldn't make any difference to anything in the area.

5- Was the difficulty self-inflicted ? Answer: Yes, except if God didn't make Cicero a swamp we could have had the building lower. But it does not hinge on the approval of the Variance.

Motion was seconded by Mr. Natali.

Mr. Snyder: The motion needs to be contingent on the FAA approval, if any is required.

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.

There being no further business before the Board, motion was made and unanimously approved to adjourn the meeting at 7:37 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 2, 2011 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.

Nancy G. Morgan

May 14, 2011