

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING

TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: NOVEMBER 2, 2011
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday November 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
	Mark Rabbia:	Board Member
	Gary Palladino:	Board Member
	Donald Bloss:	Board Member AdHoc
Absent:	Donald Snyder:	Board Member
	Gary Natali:	Board Member
Others Present:	Wayne Dean:	Dir. of Planning and Development
	Terry Kirwan:	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. Palladino, to approve the minutes of the October 3, 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. Palladino: Yes
Mr. Bloss: 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. Palladino: Yes
Mr. Bloss: 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 OCTOBER 3, 2011 FOR NATALIE RAPPASADI, 6693 PARK ROW, TO CONSTRUCT A RESIDENTIAL ADDITION ON A NON-CONFORMING LOT. THE LOT IS 66 FEET WIDE WHERE 75 FEET IS REQUIRED. THE REQUESTED SETBACK FROM THE LAKE IS 19 FEET WHERE 30 FEET IS REQUIRED. THE LOT COVERAGE OF 38% EXCEEDS THE ALLOWED COVERAGE OF 25%.

Representatives: Mr. and Mrs. Rappasadi, Owners
Bob Abbott, Architect, representing Natalie Rappasadi

Mr. Abbott: Mrs. Rappasadi lives in an existing house now that she's looking to put on a new addition, 756 sq. ft. It would be 18 ft. projecting out from the present rear wall, towards the lake by the width of the house, which is 42 ft. It's a 2 story addition. The materials would be in-keeping with the exterior of the existing house. Most of the venistration that's presenting to the lake now will be moved out to the new addition. This is a 2 story addition--the lower level would be for extending the living space a little further out.

Mr. Abbott continued:

The main reason for this is a bedroom on the second floor above for her mother, who is handicapped and is going to live with her. The present stairway to the second floor now --a narrow switch back--will be the new stairway we're proposing now would be 4 ft. wide, which would enable her to have a chair lift installed. At the top of the stairs, she would have a wheelchair, it would be easier for her to maneuver. The second level would be sort of her own area upstairs consisting of her own bedroom, sitting area, walk-in closet and handicapped accessible bathroom. We know we're going beyond the setback line but there really is no where else to go. If you look at the site plan for the house, there's easements on both sides of the house so we can't go to the side lot lines at all. There's an access easement on the west side and a drainage easement to the east. On the Park Row side, it wouldn't make any sense to go closer to Park Row because there's a 2 car garage attached to the house. You wouldn't be able to park cars in the driveway. The only thing that made sense was to go toward the lake.

Mr. Rabbia: You're going up from the existing footprint of the house ?

Mr. Abbott: No, we're keeping the house the same. We're putting the addition on the lake side.

Mr. Rabbia: You just mentioned a whole bunch of things you couldn't do, but could you go up within the existing footprint of the house--add a second story to the house ?

Mr. Abbott: There already is a second story on the house.

Mr. Rabbia: So, is there going to be 3 stories ?

Mr. Abbott: No, it's still 2 stories. The new addition is separate --a separate area from the existing. There will be 2 separate stairways. One stairway to the existing second floor and then in the new addition, there will be a wider stairway that goes up into the new bedroom. It keeps her mother separate from their area on the second floor.

Mr. Rabbia: I understand. I'm just looking for solutions. We went around the house--we didn't go up though--within the confines of the existing house.

Mr. Abbott: The only place you would be able to go up would be over the existing living space, right now.

Mr. Rabbia: That was my next question.

Mr. Abbott: They would prefer to do what we're showing for the room. Because the living area downstairs is not real large--you've got a kitchen, dining, living, all in one room really. This would give them a larger living space on the first level.

Mr. Rabbia: How many square feet is the existing home ?

Mr. Abbott: The footprint on the ground is 1860 sq. ft. --the whole house is a little over 2200 sq. ft. The new addition would be a footprint of 756 sq. ft.

Mr. Bloss: The new addition is 18 ft. beyond the existing house--obviously the wood deck would be gone ? The addition would go to that concrete slab?

Mr. Abbott: Yes.

Mr. Bloss: What is your setback from the lake then ?

Mr. Abbott: It's 17.6 ft. on the shortest end--the closest point--the north east end.
22.6 ft on the west end.

Mr. Rabbia: Do we have a copy of that ?

Mr. Abbott: Yes.

Mr. Winters to Mr. Dean: Wayne, do you have the coverage at 38% ?

Mr. Dean: Yes, that's how it worked out.

Mr. Palladino: It's about 28 % right now.

Mr. Rabbia: How does the house on the east side line up with this proposed addition?
Will the new addition be 18 ft. past the edge of the neighbor's home?

Mr. Rappasadi: Yes. We've got signed statements from both neighbors. I believe Sharon Hicks called in support.

Mr. Rabbia: Which side is Sharon Hicks?

Mrs. Rappasadi: She's to the right.

Mr. Rabbia: Who is on the left side?

Mrs. Rappasadi: Mr. Niezabytowski, 6689 Park Row.

Mr. Rabbia: I have a letter here from Grace M. Stanton Dydyk.

Letter received by Zoning/Planning on September 28, 2011:

To whom it may concern,

The owner at 6693 Park Row, Brewerton, NY has applied for a permit to construct an addition to this residence, which is already too large for the parcel of land it is on. If a permit is granted for this addition it will set precedent for everyone else on the lake.

letter continued:

We are also concerned that the 10 ft. right away will be blocked while constructing this addition. We strongly feel the request for this addition should be denied.

Please feel free to contact me with any questions regarding this matter.

Sincerely,

Grace M. Stanton Dydyk, Owner of 6688 Park Row

Mr. Palladino read a letter from Rebecca Baker, 6690 Park Row.

Letter received by Zoning/Planning November 1, 2011:

Dear Town of Cicero Zoning Board,

I am writing this letter in reference to the fact that the residence at 6693 Park Row, Brewerton, are interested in adding an addition to their house. I am also a resident at 6690 Park Row who has interest in this parcel of land because of my 10 ft. deeded lake rights through 6693 Park Row. I was unaware of this attempted project until I had read this in the Star Review newspaper. I am fully against any building permits that will be granted after I had read that the house is already much too large for the parcel of land that it sits on. My home is currently on the market for sale, and feel that this could jeopardize the value of my home. Although, as I stated above of my interest in this property, I am satisfied with the way things are right now with my lake rights and feel that the residence at 6693 Park Row should be satisfied with the more than adequate home they have right now. If the Town grants permission to increase the size of this home, I may be forced to take legal action against the Town of Cicero. Thank you for your time in reviewing this situation.

Sincerely,

Rebecca A. Baker

Mr. Rabbia: Just to be clear--both of these residents are across the street from you, on Park Row ?

Mrs. Rappasadi: Yes, they have a 10 ft. right-of-way. The ROW would not be blocked, by no means.

Mr. Rabbia: I'm looking at what you're proposing. I don't think it's any closer to the ROW than the existing house is right now.

Mr. Winters: I don't think the ROW is a factor.

Mrs. Rappasadi: We know better than that. We keep that ROW open because we know those two homeowners have that right.

Mr. Winters: My question is--have you looked at alternatives to adding on the back ?

Mrs. Rappasadi: There is no alternative. I'm the only child. I'll let you be in my footsteps for a while. All my life growing up, I remember my Mom was always there for me. She gave me the best care. I hope you can understand the position I'm in. If there's any amendments to your regulations, I would appreciate knowing that. This is something I need to do. I came to this community 7 or 8 years ago--I love this community--I have a beautiful home. For me to stay in this community and continue to live a beautiful life--the only reason I can do that is to incorporate this plan into my future. I hope you'll take this into consideration.

Mr. Winters: We're certainly sympathetic to your plight. We do want to work with you. For myself, I looked at the existing home and really, without doing any architectural or engineering work, it appears to me that you could simply add a second floor and accomplish what you're trying to get.

Mrs. Rappasadi: Something you should understand. We already have 2 floors to the house.

Mr. Winters: I'm not saying it comes without sacrifice.

Mrs. Rappasadi: I also have a father-in-law who has had a stroke.

Mr. Rappasadi: My Mom stays with us occasionally. I have to take her back and forth to the VA--he's been there 3 times this year already. Sometimes, she needs to stay and use one of the bedrooms upstairs instead of going home. The other bedroom upstairs is used for an office.

Mrs. Rappasadi: We've put a lot of time, planning and thought into this. Really, it's our only option. It has nothing to do with us wanting to make our home larger. Trust me, we have enough home to take care of at this time--it's a need. I wish I didn't have to come forth and ask for this but it's part of my life.

Mr. Rabbia: I think we all appreciate that. One of our jobs is to make sure we do our very best to minimize the amount of Area Variance you're requesting. What keeps going thru my mind is--the footprint of the house is 1860 sq. ft. It's about a 500 sq. ft. second floor right now so there's about 1300 sq.ft. of space up there.

Mr. Rappasadi: It's all legal living space--8 ft. ceilings.

Mr. Rabbia: I'm going to do the math again--the footprint is 1860 sq.ft.--we said the house is roughly 2200 sq. ft. overall--so that says, somewhere on the second floor there's 500 plus square footage which means there's 1300 sq. ft. of space.

Mr. Abbott: One thing you have to understand is the construction of the house. To tear the second story apart, dollar wise it would be a lot more expensive than what we're trying to do here--you would have to just about rip the entire second floor off and start over again.

Mrs. Rappasadi: I don't have the time or energy to put in something like that--I'm busy with Doctors and stuff.

Mr. Rappasadi: We'd like to proceed with the addition now and when they break thru--then we could take down the plastic once they get far enough along outside--with minimal impact to the existing house. We basically want it to remain the way it looks and just add another floor to it and push it out far enough to make an adequate space for her comfort and privacy.

Mr. Rabbia: We talked about the second floor length--what's going to be below that space ?

Mrs. Rappasadi: An open area for her living area.

Mr. Rappasadi: We want to continue to have the view of the lake. We want to accomplish that--that's why we want to move those windows directly out. That's part of the beauty of the home. We're trying to continue having that.

Mr. Palladino: One of the issues I have and am struggling with--I understand what you want to do and respect that but we have a major issue with your coverage right now. Your house is occupying about 28 % of the lot, which is already in excess of what is being permitted. Now you want to go another 10 % on top of that. That isn't just a number picked out of percentages or out of the air. Thought has been put into this--for drainage, water absorption, snow--there's a lot put into this especially at the lake. The lake is notorious.

Mr. Rappasadi: Especially with the lakefront properties. They were sold as 33 ft., 66 ft., 99 ft. lots--all cottage lots. If you took a survey all down thru there, probably 3/4 of them are illegal. We understand that and we're trying to minimize this, but we also have a need that we really need to obtain. I understand your numbers--I know a lot goes into them as far as engineering goes and I understand about the additional drainage. Everything drains off pretty well there into the lake except during the rainy season. But that's like everywhere else along there. We don't flood but it's not going to impact it that much more. If you put in a drainage system or collection system--this is something we need to do, it's not that we want to. I understand 35 % is over but there has been other properties that have been close to 35 % or even higher.

Mr. Rabbia: What are you going to do with the existing family room ? Leave it open ?

Mr. Rappasadi: Yes. We're just going to add a different sitting area downstairs. She'll be using the downstairs, also. It's not an in-law apartment by any means. There's no separate entrance.

Mr. Winters opened the Public Hearing at 7:26 P.M.

FOR: William Haskell, North Syracuse: Have just been sitting here listening. Mark, imagine your Mother moving in with you right now. Most apartments aren't too good. I've got my brother's Mom living with us now--I've got no choice. These people have a place on the lake--they're paying for it. They don't have a choice right now--they've got a family member they've got to move in. They're paying for it--let them have it.

Mrs. Rappasadi thanked Mr. Haskell and continued: I have a Masters in Social Work and over 20 years as a Health Service Provider. I can't see me putting my Mother into a facility. We only have this one life so I've got one chance to make it good.

AGAINST: NONE

The Public Hearing was closed at 7:30 P.M.

Mr. Winters: From my prospective, from what I can see, I think there's an alternative that hasn't been explored fully. I really would hate to see this going that close to the lake.

Mr. Bloss: I have issues with that also.

Mr. Rabbia: Do we need to ask them to go back and take another look at it ?

Mr. Palladino discussed what might happen if other homeowners on the lake built up--then in 2 or 3 years, they sell the house. Now we would have more houses that are closer to the lake.

Mr. Winters: They're raising the issue of precedence right now and they'd become a precedent themselves.

Mr. Rabbia: We're talking about 37 % coverage--it's not insignificant--it's a good amount over the standards.

Mr. Winters to Mr. and Mrs. Rappasadi: I think you have a sense of where the Board is standing on this. What I would like to see you do is go back--take a look at alternatives that do not change the footprint of the house. That does not change the coverage of the lot and does not move it closer to the lake and see what you can come up with. If we had to vote right now, I think we would deny.

Mr. Rappasadi: I read in your minutes that someone else asked for 35 % coverage.

Mr. Winters: Each case is separate. We are sensitive to your plight.

Mrs. Rappasadi: You're not sensitive to the fact that this is a handicapped person.

Mr. Winters: I am and I think everyone here is. We have a responsibility to all the residents of this Town. That's what we're here for--to provide relief where we think it's appropriate. In this case, you're hearing that we do not feel it's appropriate. We feel that there are alternatives that should be explored fully.

Mrs. Rappasadi: We have explored them fully. Our Architect built the house many years ago.

Mr. Abbott: A lot of things are possible. It just comes down to how much disruption occurs to the property during the process.

Mr. Winters: We're not here to debate with you, folks. I'm offering a path that may lead to a resolution. If you choose not to take that, we'll vote on it tonight.

Mr. Rappasadi: We don't want you to vote on it tonight if you're going to exclude us from any possible future actions.

Mr. Winters: It won't but you would have to make another application. Why don't you talk to your Architect --take your time--you can go into the Conference room--turn on the lights--sit down and talk.

Mr. Rappasadi: We're seeking help from you.

Mr. Winters: We understand that, Sir.

Mrs. Rappasadi: No you don't.

Mr. Winters: Do you want to delay until later in the agenda?

Mr. Rappasadi: Yes , we'll go talk.

Mr. Abbott and the Rappasadi's adjourned to the Conference room at 7:35 P.M.

AREA VARIANCE , DEFERRED FROM OCTOBER 3, 2011, FOR JOHN & NANCY PAFUMI, 7061 LAKESHORE ROAD , TO CONSTRUCT A RESIDENCE ON A NON-CONFORMING LOT. THE LOT IS 50 FT.(+/-) WIDE WHERE 75 FEET IS REQUIRED. THE LOT AREA OF .02 ACRES IS ALSO LESS THAN THE 10,000 SQ. FT. REQUIRED.

Representatives: John & Nancy Pafumi, Owners

Mrs. Pafumi: We were in last month in reference to a property that we're going to build at 7061 Lakeshore Rd. It was going to be a one story house. Everybody looked at the floor plan and thought it might be a good idea, including us, to go with a 2 story versus the one story to try to prevent the blocking of views and get a little farther away from the lake, which at that point , we had not seen any photos in the neighborhood of how far the water would come up towards the houses.

Mrs. Pafumi continued:

The neighbor to the east--we did talk to them and they showed us some photos. We decided it would be better for everyone around to go with a 2 story to try to back off a little bit from the lake's edge, so the others would have a better view. Originally, we had prepared the blueprints to what were told were the guidelines we had to stay within. We had no idea we were doing something that would be argued. We had the blueprints made with the lot setbacks the way we were told to do it. When we presented them and we found out the other facts about the water and all, we decided to put up a 2 story, to back it off for the neighbors and everybody. Now we've presented the new footprint on the survey. We had the original survey done with the old blueprint from our surveyor. Now we have taken the new, proposed house and put it on the survey, which you all have a copy of.

Mr. Rabbia: That's the October 2, 2011 survey ?

Mrs. Pafumi: Yes.

Mr. Rabbia: I missed last month--just so I'm clear--the house sits within the bulk regulations. The only thing we're looking at is the lot width--about 51 ft. where 75 ft. is required and your lot area is 8850 ft. where 10,000 ft. is required.

Mr. Winters: Mark, the other factor we discussed last time was the site lines.

Mr. Rabbia: Yes, I saw that in the minutes.

Mrs Pafumi: So what we did is, we went with a 2 story, we didn't want to get another blueprint because the first set cost us \$3800. I know things change--our minds changed too--probably about the same time we saw everything coming around--we saw the pictures of what the lake does--we got out there and paced the lot and we realized we didn't like coming down that far either. We were OK with all that. To build a house that is adequate and a house that is of today, you can not stay within the old camp lot footprint because you're asking somebody to build a very small house. Let's face it, there's a lot of beautiful homes on the lakefront property. I understand it more than anybody because I'm an appraiser. I know I have to pay the taxes and I believe the people that live on the lake should pay the taxes because they're enjoying their land and the view. I don't have a problem with paying the taxes but I do have a problem with building a new house on an old camp lot footprint which is on both sides of me. I want to build a house we can live in and we also have an elderly person coming to live with us. We decided to go with the 2 story. We don't want to make enemies with our neighbors but we also don't want to build another short house close to the road. I don't think that's necessary. We're staying with a new house 79 ft. back from the lake. We had the proposed new house put on the survey that you have now.

Mr. Rabbia: Just so I'm clear on this--the current proposal--everything fits in the bulk regulations, right ?

Mrs. Pafumi: Yes. The other one did too but we realized things that took place in the first draft when we were planning on a one story.

Mr. Palladino: The side setbacks are wrong.

Mrs. Pafumi: The side setbacks on the west are 7 ft. and on the east they're 12 ft.

Mr. Rabbia: I think those are alright--minimum of 6 ft. on the sides--total of 15 ft. Wayne, how about the front ? It's 30 ft. to the edge of the pavement. If you look at the property, it looks like they're OK in front also--it looks like it's about 40 ft.

Mrs. Pafumi: It's 30 ft. exactly.

Mr. Rabbia: I think the current house is about 20 ft. Did you guys do a density calculation--I didn't do that yet.

Mr. Palladino: I didn't do it tonight. I think you had about 2500 sq. ft.--it was over. Now we can take some away. Is the porch covered ?

Mrs. Pafumi: Yes. I think the total square footage--that will include the garage and everything, on the footprint, would be 1908 sq.ft.

Mr. Bloss: After this new print was drawn up, did you take a measurement from the edge of the road to the end of the house ? Did you see where that comes out to the end of the house ? Did you see where that comes out compared to your neighbors ?

Mrs. Pafumi: We know it on the survey.

Mr. Bloss: We measured it and it's quite a bit in front.

Mrs. Pafumi: It's 17 ft. -- from the neighbor to the east and then the neighbor to the west, including the length of our houses from the road where we are measuring--the neighbors from the end of their deck and from our house to the end of our porch--there's a difference of 17 ft.

Mr. Bloss: When we looked at it and measured it--the neighbors to the west--

Mr. Winters: It appeared that the end of your house is about 10 ft. beyond their deck. Is that consistent with your measurements ?

Mrs. Pafumi: Yes, it is. The neighbors to the west already know and they don't have a problem with it.

Mr. Winters: Right--they're going to be impacted either way.

Mr. Rabbia: Is the proposed porch covered--on the water side ?

Mrs. Pafumi: Yes , that's included in the square footage.

Mr. Rabbia and Mrs. Pafumi went over the following measurements:

32 X 32 ft.- footprint/main level	= 1908
22 X 22 ft.- garage	= 220
10 X 28 ft.- porch	= 280
12 X 10 ft.- porch	= 120
TOTAL	= 2028 sq. ft.

Total includes the little jut out for the foyer.

Mr. Rabbia: So the long answer to the question is we're at 22.8 % coverage--we're under.

Mr. Winters: The Public Hearing is still open so I'd like to ask if anyone would like to speak.

FOR: NONE

AGAINST: Donna Sparkes, neighbor on the west of Pafumi's.

Mrs. Sparkes: I thought , at the October meeting, the Board had suggested that they come and talk to us to see exactly where, in relation to our property. We have just redone our camp and put over \$20,000.00 in windows into it so that we could enjoy the view. The camps are not that far away from one another. Maybe 11 or 12 feet.

Mr. Winters: Your's is the one still being constructed ?

Mrs Sparkes: Yes.

Mr. Winters: It looks nice.

Mrs. Sparkes: We'd just like to see more facts. We'd like to see it staked out to see if it's going to obstruct our view. I also have a concern for a drainage pipe that the Town put in between our camps years ago.

Mr. Winters: That is on the plan.

Mrs. Sparkes: If that drain pipe were to plug up, is there going to be enough room there for the machinery to get in ?

Mr. Winters. They have sufficient setbacks on the sideline. It appears it's something they can work with. Do you agree, Wayne ?

Mr. Dean: Yes. Normally they would require more space than there actually is. It was put there-- I don't know how close it was to the existing camp--probably similar distance away. 7 ft. should be adequate to get in there.

Mr. Winters: Your concern is the root of what we're discussing here.

Mrs. Sparkes: We pay taxes too so we'd like to be able to enjoy that view.

Mr. Winters: Absolutely and we are sensitive to that.

Mrs. Sparkes: We just spent a lot of money and will be spending more to finish our camp. It's not that we are against them building but we would like to see the plans.

Mr. Winters: You folks don't live there now obviously.

Mrs. Sparkes: No.

Mr. Winters: Do you live in the area ?

Mrs. Sparkes: We live in Onondaga Hill but we plan on, probably at some point making this our full time residence.

Mr. Winters: Perhaps you folks could exchange phone numbers.

Mrs. Sparkes: They never came over to talk to us.

Mrs. Pafumi: We weren't told we were supposed to come over and talk about it.

Mr. Winters: We don't normally direct people to do things like that.

Mrs. Sparkes: I thought someone on the Board had said "talk to your neighbors and let them know what you're doing."

Mr. Winters: We probably did at one point but it wasn't a directive. It was just something you might want to do.

Mrs. Sparkes: We even talked outside after the meeting. She said she'd call my husband's cell phone.

Mrs. Pafumi: No, I never said that. I don't want to cause any problems or anything but I never stated that.

Mr. Winters: I'm sure we can get thru this. We appreciate your input. We are sensitive to site lines. We were out there two days ago having one person stand where the corner of the building would be and standing over at your glass doors on the lower level to see what we would have and we will discuss that.

Mrs. Sparkes: I think our view of the south shore to the east of us would be severely blocked.

Mr. Winters: Let us get thru this. It's not set yet. That's a nice segway into our concern of the front to back set of the house Speaking for myself, it looks like you've got 30 ft. from the edge of pavement to the garage.

Mrs. Pafumi: Yes

Mr. Winters: As I look at the house, in my opinion, it's about 10 ft. too far extended beyond the neighbors. If we could move the house forward, which wouldn't be inconsistent with the other houses in the immediate area.

Mrs. Pafumi: If I may, there's a lot of homes there that are a lot farther down, that have been built in the last 10 years, closer to the lake than we are.

Mr. Winters: But they aren't built next to your neighbor.

Mrs. Pafumi: In order to build a house where you have--we're not putting the bedrooms on the first floor--just a small one.

Mr. Winters: This isn't about the square footage of the house. For me, it's about where the house is set in relation to the road, the lake and the neighbor's properties.

Mr. Rabbia: What you're suggesting is shifting the whole house ?

Mr. Winters: Bring it more towards the road.

Mr. Rabbia: But don't change the dimensions--just slide it.

Mrs. Pafumi: If you bring your vehicles any closer to the road then your bumpers are sticking out. You've got the snowplows that are coming thru. You have to have at least 30 ft. in order to get the snow load out of there. The plows can't plow right into your driveway. We have a truck and a car. We have to have a little leeway into the garage. We're not overbuilding. We went from a one story to a 2 story to alleviate but you can't stay on the old camp lots, which is what they built on.

Mr. Winters: Let me understand your position. You will not compromise on a 30 ft. driveway.

Mrs. Pafumi: It's not that I won't compromise. That's what we were told we had to do--we had to stay 30 ft. from the white line of the road--that's what we were told originally.

Mr. Winters: To accommodate you and your neighbors, we're willing to compromise on that.

Mrs. Pafumi: If you take 10 ft.-- you're not talking about any driveway--how are you going to get your cars out of the road ?

Mr. Winters: No, not 10 ft. --that would leave you with 20 ft. from the edge of the road to your garage.

Mrs. Pafumi: The neighbors to the west, Mr. & Mrs. Sparkes, are 25 ft. from the edge of the road. I measured it several times to make sure. I was thinking about trying to do something like that but then you're talking about bringing your vehicles in and during the wintertime that road is pretty narrow and all the snow is in your driveway as it is. You need some kind of a buffer there to alleviate that problem.

Mr. Rabbia: John, I didn't do what you did--going back and standing--but how far does the proposed house, on the Oct. 25th survey, project past the resident that just spoke?

Mr. Winters: It's about 10 ft. beyond the end of their deck.

Mr. Rabbia: Beyond the edge of the neighbor's deck?

Mr. Winters: Right.

Mr. Pafumi: Also, when they built their house, they don't have the setback in the front. They're about 6 ft. on the road side and about 4 ft. on the front.

Mrs. Pafumi: Their setbacks are different--they're going by an old blueprint.

Mr. Pafumi: If you straighten up your house with the property line, you're going to shift the front of their house away from the front of ours.

Mr. Winters: That's not an option.

Mrs. Pafumi: We've stayed within all the setbacks. We've gone from a one story to a 2 story even though I don't want to because I didn't want to build a 2 story house when I'm older. But I understand and I don't want to not negotiate on this because I really don't want enemies for neighbors, for one thing. I don't want to build another camp--that's not fair. In order to build a home with a garage, which I need, there's really not too many other options as what to do and to expect us to stay that far back on the lot--we're already 79 ft. from the lake edge. We're well within the guide lines. We thought so too when we did the original house--that's how we had the blueprints done. We didn't realize there would be a problem--we should have. If we had gone out and paced it earlier, we probably would have said " we don't like this." That's what we said when we did it. Because we don't want to be right in front of someone. I feel the 10 ft. difference is not a lot, considering you're building from 2 camp lots to a new home. To try to keep the square footage down is not very easy.

Mr. Bloss: Have you physically taken this new blueprint and measured from the edge of the road--you take the distance from that new home--measure that out and put a stake in there and go 7 ft. off the line--take your line of site from Sparkes looking to the south shore. You really need to do that. That's actually what we did--that's why we said, when we looked at all the facts and figures--i physically stood in front of Sparkes' door. According to this footprint you gave us--we looked at that and it blocks a lot of their view.

Mr. Pafumi: What about the tree that blocks our view a 100 % more ?

Mr. Winters: We can't do anything about trees. The other thing we didn't consider was that there's going to be a roof on this porch, that's another 10 ft. out.

Mrs. Pafumi: That's included in the square footage.

Mr. Winters: We're talking about site lines.

Mr. Rabbia: It's not about regulations at all. I just projected some site lines out It would appear, the neighbor has a sight line probably all the way thru his property line, assuming there's no other obstructions. I drew this line--it's the new back edge of the house--I came back 10 ft.--picked an arbitrary spot away from the side property line where the house would end--drew a site line across--it's not bad. The Sparkes' site lines come across at least 50 % of their backyard, I would say.

Mr. Winters: That's if they're standing at the corner of their house. Not on their deck ?

Mr. Rabbia: Right. It would get better as they stood further--deeper into the neighbor's property line--you'd come almost over that way.

Mr. Winters: It's not about viewing the property--it's about viewing the lake.

Mr. Rabbia: I totally agree.

Mrs. Pafumi: That also gives them a view to the east and a view to the west, bringing the house back as far as we did. I can understand our original blueprint and even we didn't like it when we went out there. We paced this pretty carefully--we stood over at the edge of their house and looked over and it doesn't obstruct their view. I don't know where you guys were standing--were you standing on their deck?

Mr. Winters: No, we were standing on the ground near their sliding glass doors. We could debate that all night long .

Mrs. Pafumi: Do you want to meet us out there and look at it together ?

Mr. Winters: I would like to have you meet with the Sparkes and I would also like to understand where you're willing to compromise.

Mrs. Pafumi: We've already compromised a lot. I guess I don't understand where we can compromise.

Mr. Winters: We've talked about moving closer to the road--you can pick up a few feet there and if you talk with the Sparkes to see if they have a comfort level with it. Then we could reconsider. I'm only speaking for myself. If I were the Sparkes, I would not be happy with what you're proposing. I think I'm hearing that more than once here.

Mrs. Pafumi: We've had great expense with the original blueprint. We were told we could build this house. We hired an Architect.

Mr. Winters: I don't believe you were told that by anyone here.

Mrs. Pafumi: Yes, we were told by the Town what our setbacks were and everything so we brought in the blueprints. The Surveyor put them on the survey. Then we came in here and we were told to consider moving the house back. We paid \$3800 for the original set of blueprints--then you tell us to set the house back so now we have to get another set of blueprints, which we didn't do because we don't want to pay an Architect to do another set of blueprints.

Mr. Winters: We've covered that. The question before us now is, do you wish to pursue this tonight or do you wish to talk with the Sparkes and reconsider ?

Mrs. Pafumi: Is there any way we can talk with the Sparkes now ?

Mr. Winters: If you wish. I don't know how you're going to demonstrate where the house is verbally.

Mrs. Pafumi: Let me ask you what you're proposing to us first, in regards to the size of the driveway.

Mr. Winters: Somewhere between a 30 ft. and a 20 ft. driveway, is something that might work.

Mrs. Pafumi: The Sparkes house is 25 ft. from the road. I'm trying to visualize our cars sitting on the edge of the road. I don't know that you can pull--I know my husband can't pull his truck in but you can put a car in there. The problem might be in the winter--you might not have a problem in the summer. We're also trying to keep an opening for our neighbors to the east because they don't have much room for a driveway. We left enough room between the two houses so they didn't have to park bumper to bumper, on the east side. So they can park side by side, we left some extra room on that side of the lot and stayed within the guideline so we didn't have to change their living.

Mr. Rabbia: If you can't get your truck into a 25 ft. driveway, then you'd have a hard time getting it into a 22 ft. garage.

Mrs. Pafumi: So, if we proposed a 25 ft. driveway--a 5 ft. difference--

Mr. Winters: That's not addressing the concerns of the Sparkes. That may be a reasonable compromise. I don't know at this point.

Mrs. Pafumi: When we talked with the Sparkes outside last month--

Mr. Winters: You talk to them tonight.

Mrs. Pafumi: They wanted us to stay within their footprint.

Mr. Winters: I didn't hear them say that.

Mrs. Pafumi: That's exactly what they said to us. They said they were told we couldn't go outside of the length of their house.

Mr. Winters: Let me put it this way--unless you want us to take a vote right now, this can't be settled tonight, in my opinion.

Mrs. Pafumi: We are within all of our rights as keeping the setbacks and everything with this home. Correct ? We haven't done anything wrong--we've accommodated as much as we can.

Mr. Rabbia: Right, you meet all the bulk regulations.

Mrs. Pafumi: We're within the regulations. We're building a 2 story house instead of a one story to help make everybody happy. I don't understand why we have to fight like this to do something that we're within all our corrected and negotiated the way that we have-- from a one story to a 2 story--I would prefer a one story because I'm older and don't want to go up and down stairs.

Mr. Winters: You're proposing to build a residence on a non-conforming lot. You have to get a Variance. That's why you're here.

Mrs. Pafumi: But I've done everything we've been asked to do.

Mr. Winters: But it's still a non-conforming lot.

Mr. Rabbia: I think if you take your survey--approximate where their house comes in relation to yours--draw some site lines--I think you're going to find everybody's going to be pretty reasonable, in terms of what you can see. I've played with 5 or 6 lines--they can see almost 50 % of your property line. I think they just need to see what you're proposing , to be comfortable with it. That's my opinion--I'd at least have a discussion with them.

Mrs. Pafumi: So you want us to stake the property out--point to point--

Mr. Rabbia, No, I think you can go up to them tonight and say "here's where your property ends--this is how close their house is to the property line"--draw some lines across the property to say, here's where your site angles are.

Mr. Winters: I think that's best done on site.

Mr. Rabbia: They could.

Mr. Bloss: I think they should stake it out--then they can get the line of site.

Mr. Rabbia: My other point is that the neighbors haven't seen the survey either--they should take a look at that.

Mrs. Pafumi: Can I ask another question. Do we have to wait another month to bring this back to you ?

Mr. Winters: Yes--we only meet once a month.

Mrs. Pafumi: So that's going to knock us out of any construction with winter coming.

Mr. Winters: I would say yes--you're getting pretty close to it.

Mr. Winters closed the Public Hearing at 8:15 P.M.

Motion was made by Mr. Winters, seconded by Mr. Bloss, to defer this case until the December 5, 2011 ZBA meeting.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Palladino:	Yes
Mr. Bloss:	Yes
Mr. Winters:	Yes

Motion duly carried.

AREA VARIANCE FOR FRANK FAVA, 7808 BREWERTON ROAD, TO RELOCATE AN EXISTING SIGN OUT OF THE STATE R.O.W. THE SIGN WILL BE ONE FOOT FROM THE STREET LINE WHERE 20 FT. IS REQUIRED AND 4 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS RQUIRED.

Representative: Frank Fava, Owner

Mr. Fava: I represent the Fava and Barrett Family LLC, the owners of this property. We've owned this property since the 1970's. It has gone thru a few transformations. We're trying tyo rebuild it after some rough periods. We're discussing how to do that with the State of New York. They have informed us that we have to move the sign. I'm here before the Board to ask if we can move the sign back. Obviously, we need a Variance to do that. We've had it there for 30 + years. We're asking if we can still have that sign and help us to do something with this building.

Mr. Winters: Is it going to be the same sign ?

Mr. Fava: Yes.

Mr. Rabbia: Just to be clear--you're going to move it 1 ft. from the highway boundary.

Mr. Winters opened the Public Hearing at 8:17 P.M.

FOR: NONE
AGAINST: NONE

The hearing was closed at 8:18 P.M.

Motion was made by Mr. Palladino, seconded by Mr. Winters, to approve Mr. Fava's request to relocate an existing sign on his property at 7808 Brewerton Rd. The sign will be moved . It will now be 1 foot from the street line where 20 ft. is required. Mr. Palladino discussed the 5 factors considered for this Variance approval:

- 1- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby property ? Answer: No.
- 2- Whether the benefit sought by the applicant can be achieved by some other method ? Answer: No. Unfortunately he's got Rt. 481--no other place to put the sign.
- 3- Whether the requested Area Variance was substantial ? Answer: No.
- 4- Whether the proposed Variance will have an adverse effect or impact on the physical or environment ? Answer: No, we're moving a pole sign.
- 5- Whether the alleged difficulty was self-created ? Answer: No, it was mandated by the State and by the development in the area--Rt. 481 and the widening of Rt. 11.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Palladino:	Yes
Mr. Bloss:	Yes
Mr. Winters:	Yes

Motion duly carried.

AREA VARIANCE FOR JEFF LYMAN (JEFFREY'S AUTO BODY), 6181 E. TAFT RD., TO CONSTRUCT A COMMERCIAL ADDITION IN A GENERAL COMMERCIAL ZONE WITH A SIDE YARD SETBACK OF 7.7 FT. WHERE 15 FT. IS REQUIRED.

Representative: Jeff Lyman, Business Owner.

Mr. Lyman: First, I'd like to say I think it's great that the C-NS students are here to listen to our Town government meeting. I'm here for a proposed small addition to my building --less than 10 % of my shop I own. I've been there since 1986. Actually, I was here about 13 years ago for a similar addition going on to the back of the building. We are growing--still growing. What we're looking for is a parts room and a small office for my wife. She doesn't like the office she's in right now. It's basically a parts delivery and storage area. In our industry--the labor parts is growing--we're less labor and more parts. As our growth of cars has been going on--it's increasing--blowing out the walls on parts end of it. This area is where they can drop off the parts on Riccelli's side of the the building . Then they can get distributed thru another door that's going in to the shop. Then on the back side will be the 8 ft. X 18 ft. office for my wife--it will be lovely when it's done. I've also talked to Rick Riccelli next door and he has no problems with it. He actually sent me a letter. Riccelli's have been great neighbors.

I have a new coalition of all 4 of those buildings. We're working together to re-do the the parking lots. We hope that will get done in the next couple of weeks.

Mr. Winters: Is there room for them to drive in, safely deliver parts and turn around and everything ?

Mr. Lyman: Yes, there is --it's all stoned area there. Right now , we park a lot of our loaners and rental cars in that area. The worst thing about this addition is we're going to loose 2 parking spots. We've been working on this whole thing for about a year now. My Manager has drawn up so many different plans. What you see there is what he drew up.

Mr. Rabbia: Is there going to be an overhead door for parts deliveries ?

Mr. Lyman: No, it's a steel door--man door. The trucks would pull up along side of the building and unload and then back out. They're only on our property for no more than 5 or 10 minutes--unloading, getting a signature on the receipt, then they're gone. I probably wouldn't do it this year because we're getting late in the season, but probably in the spring I would pave that area where they're going to be driving in. Right now it's all stone. It's less than 10 % of the square footage of the whole building. I've looked at different ideas. We talked about having a hugh mezzanine--nothing worked. I have an Engineer's drawing that I just received. If you like, I can give them to you.

Mr. Rabbia: Does it have to be 18 ft. wide ?

Mr. Lyman: The last Variance that I got for the other addition was 7.7 ft. within the setback. This one is 7.1 ft. We want it as large as we can get it. I based this off the approval I got 13 years ago. I would appreciate it if I can get this rolling because we have a busy season coming up. I'm kind of behind because I had a very bad injury over the winter. I've got lumber ready to roll on this if we can get the approval. I'll come in for the Building Permit and hopefully we can start it in about 4 weeks from now.

Mr. Rabbia: Does it have to be 18 ft. wide ?

Mr. Lyman: It doesn't have to be but I'm a growing business.

Mr. Rabbia: OK, I understand. I'm just trying to do my job and minimize the amount.

Mr. Lyman: There's a new system in our industry because we have so many parts. We have these parts carts that roll around. They're about 3 ft. X 5 ft. We actually got this set up so we can put a certain amount of parts carts in that actual area.

Mr. Rabbia: Do you move them by hand or fork truck ?

Mr. Lyman: By hand--they just roll.

Mr. Rabbia: How long would you say a cart is ?

Mr. Lyman: 5 feet. We want to walk down the center and have 2 rows on both sides. That's why it was set up at 18 ft.--not just because my wife wanted a bigger office.

Mr. Rabbia: So, you would have about 8 ft. in between--the aisle.

Mr. Lyman: Yes, so you can roll them out. I'm just building on a slab. I'm in this for the long haul.--30 years already. I'm going with the pole barn construction. These professional drawings make it look sharp.

Mr. Rabbia: Will the shed stay after the addition ?

Mr. Lyman : Yes.

Mr. Rabbia: You're just going to follow the existing roof line ?

Mr. Lyman: Yes. I don't know if you noticed--we just had the building painted, We used to have some fake stonework.

Mr. Winters: An important question--does your wife approve of this ?

Mr. Lyman: Yes, I showed her the drawings and she's loving this . She does my book work.

Mr. Winters opened the Public Hearing at 8:30 P.M.

FOR: NONE
AGAINST: NONE

The Public Hearing was closed at 8:31 P.M.

Motion was made by Mr. Rabbia, seconded by Mr. Palladino, to approve an Area Variance for Jeff Lyman, 6181 E. Taft Rd., to construct a commercial addition in a General Commercial Zone with a side yard setback of 7.7 ft. where 15 ft. is required. The 5 factors considered for the approval of this Variance are:

- 1- Whether an undesirable change will be produced in the neighborhood as a result of the Variance ? Answer: No, if you look at the existing building layout, we're 7.1 ft away from the property line.
- 2- Whether the applicant can achieve his goals via a reasonable alternative ? Answer: No, we asked those questions. In terms of the size of the structure needed, based on the parts carts being 5 ft. and the ability to move them around--I think it needs to be 18 ft.
- 3- Whether the Variance is substantial? Answer: No, I don't think 7.7 ft. is substantial.
- 4- Whether the Variance will have an adverse impact on the physical or environmental conditions in the neighborhood ? Answer: No. I think the Engineer's drawings that were presented tonight make the building look professional.

5- Whether there has been a self-created difficulty ? Answer: Yes , but it's the nature of a growing business--not enough to deny the Variance.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Palladino:	Yes
Mr. Bloss:	Yes
Mr. Winters:	Yes

Motion duly carried.

Continue the case for Natalie Rapasadi.

Mr. Abbott and the Rappasadi's have left the building.

Motion was made by Mr. Winters, seconded by Mr. Rabbia, to defer the Rappasadi case until the December 5, 2011 ZBA meeting.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Palladino:	Yes
Mr. Bloss:	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 8:40 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 November 2, 2011 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.