

STATE OF NEW YORK  
ONONDAGA COUNTY  
ZONING BOARD OF APPEALS

MINUTES OF MEETING  
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: OCTOBER 3, 2011  
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday October 3, 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                        |
|                  | Donald Bloss:    | Board Member AdHoc                  |
| Absent:          | Mark Rabbia:     | Board Member                        |
|                  | Gary Natali:     | Board Member                        |
| Others Present:  | Wayne Dean:      | Dir. of Planning and<br>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. Snyder, seconded by Mr. Palladino, to approve the minutes of the September 7, 2011 Zoning Board of Appeals meeting. There were no corrections or additions.

Motion was put to a vote, resulting as follows:

Mr. Palladino: Yes  
Mr. Bloss: 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. Palladino: Yes  
Mr. Bloss: Yes  
Mr. Snyder: Yes  
Mr. Winters: Yes

Motion duly carried.

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

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

AREA VARIANCE, DEFERRED FROM SEPTEMBER 7, 2011, FOR DAVID BUSHEY (G & I HOMES), 8893 MAPLE DRIVE, TO CONSTRUCT A NEW RESIDENCE ON A NON-CONFORMING LOT. THE LOT IS 60 FEET DEEP WHERE 125 FEET IS REQUIRED. THE FRONT SETBACK IS 12 FEET DOES NOT MEET THE REQUIRED SETBACK OF 30 FEET AND THE REAR SETBACK OF 6 FEET DOES NOT MEET THE REQUIRED SETBACK OF 30 FEET. THE LOT COVERAGE OF 25 % IS ALSO EXCEEDED.

Representative: David Bushey, G & I Homes.

Mr. Bushey: I was here last month to talk about a proposed new house on 8893 Maple Drive. I was asked to put the proposed house on a surveyed map, which you have now. It shows the old house and the new house with setbacks. It does say here that we exceed the 25 % -- just under. On this drawing, with the house moved over -- we had a 6 ft. setback on the one property line, now it's 13 ft. National Grid is moving some poles on that side of the property line, so the house had to move over -- in comparison to the map we had the last time we were here.

Mr. Palladino: Do you know the size of the old structure that is still existing -- the square feet ?

Mr. Bushey: My guess is 600 or 700 feet.

Mr. Palladino: Was that old house condemned ?

Mr. Bushey: No, it's still habitable. We're going to demolish it. It has an asbestos report that was done that is negative, for the purpose of the demolition permit.

Mr. Snyder: The question I have is--looking at the front deck--6 ft. X 18 ft. -- which reduces the setback or the distance from the building to the road--what would your feeling be if you weren't able to build that deck or make the porch a little bigger ?

Mr. Bushey: This property is owned by my client. She is willing to forego the deck if it's a major problem. We've discussed this. They understand the setbacks are tight.

Mr. Winters: Is that actually a deck ?

Mr. Bushey: It's a porch-- a deck with a porch roof. The side one is a 16 ft. X 10 ft. screened porch. They might want to make that room a little bigger if they lost the front porch/deck.

Mr. Winters: You've got space there to work with that.

Mr. Snyder: I would feel a lot better if we--because the setbacks are so minimal--can agree to leave the 18.7 ft. setback from the road and not have a front deck, especially since you talked about it being a covered deck -- I think we're asking for trouble.

Mr. Bushey: Would you be OK with just a deck or no deck at all? Code-wise, we have to put at least a 4 ft. X 4 ft. step there--36 in. X 36 in. to cover the door swing.

Mr. Snyder: Whatever you need for a stoop to meet the Code, coming out the front door. I would rather see no covered deck--it's just 18 or 19 feet from the edge of the road.

Mr. Bushey: If we proposed just a 4 ft. X 6 ft. front step with a mini porch roof over it so the elements don't hit the door or do you want nothing over the front door whatsoever ?

Mr. Snyder: You couldn't normally come into the porch so you wouldn't have to worry about the elements--the front door is the main door and the way 99 % of people would come into the house ?

Mr. Bushey: There's 2 doors--one is the door on the end of the house and the other is the front door, the way it's set up on the property.

Mr. Snyder: I guess you'd park your car in this vacant area. Normally, would you come in the porch door to get in the house ?

Mr. Bushey: Yes.

Mr. Snyder: If it's the main entrance of the house, then I'd have to think real hard about not allowing you to have a little roof over it.

Mr. Bushey: The purpose I would want a roof over it is so the rain wouldn't hit the front door--it has a storm door on it. Probably a 4 ft. X 4 ft. step would work.

Mr. Winters: I don't think that's inconsistent with what we see.

Mr. Bushey and the Board Members all agreed on the 4 ft. X 4 ft. step with a small roof over it for an entryway on the front.

Mr. Bloss: The screened porch is going to stay at 10 ft. X 16 ft. ?

Mr. Palladino: You could increase it a little bit to stay underneath--if my calculations are right--your maximum coverage would be 1,460 sq. ft.

Mr. Bushey: Does the coverage count if I do the roof over the 4 ft. X 4 ft. -- so it would be 16 sq. ft. ? If she elected to make this a little wider or longer, as long as we are under the 25 %, would that be acceptable ?

Mr. Palladino: You could add, roughly, another 90 sq. ft. to that porch.

Mr. Winters to Mr. Dean: That plan has to come back to you anyway, doesn't it ?

Mr. Dean: Yes, we'll look at it when they come in for the Building Permit. It has to be spelled out in the Variance.

Mr. Bushey: We're waiting for National Grid to move the powerlines.

Mr. Winters: The way I understand it, as long as you don't exceed the 25 % coverage, you can work within that square footage.

Mr. Snyder: Is the black walnut tree on the property going to be taken down ?

Mr. Bushey: It's debatable .

Mr. Snyder: If it does, sell it.

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

FOR: NONE  
AGAINST: NONE

The Public Hearing was closed at 7:17 P.M.

Motion was made by Mr. Palladino, to approve David Bushey's request for an Area Variance for property at 8893 Maple Dr. We have 3 Area Variances: One is the lot depth, existing is 60 ft. where 125 ft. is required. Also , the front setback requires 30 ft and we have 12 ft. The last Variance is the rear setback, where the Code requires 30 ft. and we have 6 ft. This request for approval is based on the home owner reducing the size of the deck, as it's laid out on drawing--file number 1108-173CI. It shows a front deck of 108 sq.ft. We are requesting that deck to be reduced to 16 sq. ft. The 5 factors considered for making this recommendation are:

- 1- Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties ? Answer: No, I don't believe so. The house is being taken down and the new structure being put up would help the surrounding area. No neighbors have stepped forward with a negative comment.
- 2- Whether the benefit sought by the applicant can be achieved by some other method ? Answer: No, the Variances that we're going you grant are the condition of the lot size. Regardless of the house size, they would be in front of us for Variances.
- 3- Whether the requested Area Variances are substantial ? Answer: No, I don't believe they are.
- 4- Whether the proposed Variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood ? Answer: No.
- 5- Whether the alleged difficulty was self-created ? Answer: Yes, because he wishes to improve the condition of the property.

Mr. Snyder seconded the motion.

Mr. Winters: The County Planning Board saw no significant impact from this project. Also, while we were visiting the property, one of the neighbors came across the street and told us "this will be great".

Motion was put to a vote, resulting as follows:

|                |     |
|----------------|-----|
| Mr. Palladino: | Yes |
| Mr. Bloss:     | Yes |
| Mr. Snyder:    | Yes |
| Mr. Winters:   | Yes |

Motion duly carried.

AREA VARIANCE FOR JAMES WAVLE( CROWN CONSTRUCTION, INC.), 6693 PARK ROW, TO CONSTRUCT A RESIDENTIAL ADDITION ON A NON-CONFORMING LOT. THE LOT IS 66 FT. WIDE WHERE 75 FT. IS REQUIRED.THE THE REQUESTED SETBACK FROM THE LAKE IS 19 FT. WHERE 30 FT. THE LOT COVERAGE OF 38 % EXCEEDS THE ALLOWED COVERAGE OF 25 %.

There was no representative in attendance.

This case was deferred until the November 2nd, 2011 Zoning Board of Appeals meeting.

AREA VARIANCE FOR JOHN & NANCY PAFUMI, TO CONSTRUCT A RESIDENCE ON A NON-CONFORMING LOT. THE LOT IS 50 FEET(+/-) WIDE WHERE 75 FEET IS REQUIRED. THE LOT AREA OF .2 ACRES IS ALSO LESS THAN THE 10,000 SQUARE FEET REQUIRED.

Representatives: John & Nancy Pafumi, Owners.

Mrs Pafumi: We want to tear down an old camp that's on the lot and construct a new ranch style house with a 2 car attached garage and a porch off the back on the lake side.

Mr. Winters: We visited the property today. As you know it's a narrow lot as many of the lots along the lake are. My concern is the depth of your proposed project is going to significantly impact the sight lines of the neighbors, on either side, and maybe others to some degree. That's a concern along the lakeshore. The side elevation indicates it's going to be a 2 story home.

Mrs. Pafumi: The side will be the lower level where you walk out, the one level. Originally, it was going to be 2 stories but we cut the top level off. I don't know if you were aware of that.

Mr. Winters: No, I wasn't. That's something you may want to reconsider. The homes on either side are 2 story also. You would be back farther from the lake and not blocking their view.

Mr. Snyder: By 2 story , do you mean it's going to look like this (referring to the drawing)?

Mrs. Pafumi: The second story going back -- that whole top level is coming off.

Mr. Snyder: So, you have a basement and a 1st floor, correct ?

Mrs. Pafumi: Yes.

Mr. Snyder: And the basement is a "walk out " ?

Mrs. Pafumi: Yes.

Mr. Snyder: At the lake end, it's the 2 story house ?

Mrs. Pafumi: Yes.

Mr. Snyder: By the time you put the roof on it, you will be about to the eaves of your neighbor to the west.

Mrs. Pafumi: Yes.

Mr. Snyder: Which concerns me if you're allowed to build the facility as large as you show here, you will drastically impact neighbors, both east and west of your property.

Mrs. Pafumi: We were aware of that so we tried to figure out a way when we originally drew it up-- to size it down--and also trying to stay within the setbacks.

Mr. Snyder: The only way to do that is to make the house shorter from the street to the lake and put another story on it. Right now, I don't see how we can let you build a house any further towards the lake than your neighbor to the west has got his deck.

Mrs. Pafumi: That's kind of hard because we have a garage--we want to put on a garage. We have to be 30 ft. back from the road. I could re-do it with a second story but we still want to put on a garage. There are a lot of properties there that are closer--I understand this whole thing.

Mr. Snyder: You wouldn't want to be any closer to the road than 25 ft. if your car is 25 ft. long. Otherwise, you couldn't park your car in the driveway.

Mrs. Pafumi: Right, so we want to be 30 ft. from the road.

Mr. Snyder: If that could be 25 ft. , then there's 5 ft. on that end of the building, so we can reduce the lake end--but the lake end has got to be reduced by more than 5 ft. in order to get back to the point where you're not impacting on your neighbors on both sides.

Mrs. Pafumi: You're talking about maybe not even 24 ft. because they were on a footprint that was original so they stayed on that. The other one to the east is still on their same footprint. The people on the west of us kept the old footprint of their house. In order to improve the property, I think we should be allowed to go a little further down because it's kind of hard to build a decent size house in that little space.

Mr. Snyder: That's the problem we have with the lake properties-- that they are so small-- that's why I get concerned about everybody being able to look at the lake and see the lake. With the facility you're considering here, especially you're adding a covered porch.

Mrs. Pafumi: We could go back to a 2 story if that would make everyone happy-- I don't want anybody unhappy. But I would still need more than 24 ft. because, with a garage--the garage alone is going to be the width of what their houses are--or the length--close to it. Their houses can't be more than maybe 30 ft. The garage is 20 ft. long.

Mr. Winters: I think there's another approach you might look at. If you look at the footprint of their house including the decks and not project beyond that. That may be more acceptable. I think that gives you some more room to work with, also.

Mrs. Pafumi: What do you mean "more room to work with"?

Mr. Winters: I would like not to see your house project any further than the outside deck of your neighbor to the west (the house under construction).

Mrs. Pafumi: What we were originally trying to do was to not take parking away from the people to the east. That's why we made it a little longer than shorter. I understand their driveway is only 10 or 11 ft. So, we were going to leave more space in between. So they would still have a view--one of the reasons we took the tree down was because it was going to obstruct everyone's view. I'd like to ask if we can come out another 10 ft. I don't think that would obstruct their views either way. They would still be able to see the lake because of the way the land goes out. We're still set way back from the lake and we do want a garage and we don't want to take away the parking spot.

Mr. Winters: It's a real quandry. What you might want to do is take some more accurate measurements. Measure the neighbor's houses. I'm sure the neighbors are going to be co-operative. Maybe get some ideas from them--ask them what their feeling is. I don't imagine you're going to be building this winter.

Mrs. Pafumi: We were trying to get the foundation going but that's all right-- no big rush.

Mr. Winters: It's not our intent to slow you down--we want to help you do it right. Bring it back and we'll continue to pursue it.

Mrs. Pafumi: Are there any suggestions you might have ?

Mr. Snyder: My only suggestion is--and I need to ask Wayne his thought--Wayne, the 30 ft. we have right now from the garage door to the front line--if that was 25 ft.-- 5 ft. closer to the road ?

Mr. Dean: It would still be in violation. You usually measure from the road boundary.

Mr. Palladino: That's only 15 ft. They should get a Variance as it stands now--the way it's drawn.

Mr. Winters: It certainly wouldn't be unprecedented to allow that.

Mr. Dean: It's been taken into account before on those lots along the lake where the property line goes to the center of the road.

Mr. Snyder: I'm wondering if 5 ft. can be gained there so the building can still be -- I don't see how the building can be built at the current length.

Mrs. Pafumi: We were concerned about that too. The impact of it didn't hit us until we looked out on the site and drafted it out. We talked about going back to the 2 story. But the problem would be the length with the garage, which would come up further. You need a little more land to build a decent house there--(asked the neighbor) Do you know how deep your lot is ? The answer was 40 ft. That would be half way up there with the garage, then you've got 20 ft. for the house. You can't do much with that.

Mr. Winters: Again, we're making assumptions. I think you should be more accurate. That would give you an opportunity to come back with an alternative and the measurements.

Mr. Palladino: Your suggestion that you may be 10 ft. past, it might not block the view. But, you have to go out there--stand on the borders and look.

Mr. Dean: I agree. When you get out there and look at the angles and the setbacks--you don't have to have a 180 degree vision. When you look at the setbacks from the neighbor's house and the distance you are apart, you may be able to go out 15 ft. I don't know--whatever it is.

Mrs. Pafumi: I was just thinking, maybe if we brought the house down the extra 10 ft.--the drawing you have is going to be the final floor plan. But the level of the house is totally different, So, if we brought the house down further, then-- I have to draw it out again so it will be more accurate. I think if we came out another 10 ft., particularilly if we have the porch or maybe we'll turn around and go back to the drawing board and just make it wider on the lot. Would that be acceptable ?

Mr. Winters: We will work with you the best we can. You have to be careful how wide it is because your neighbors to the west are really close.

Mr. Snyder: On one side you have a drainage pipe so you can't build close to that.

Mrs. Pafumi: I wish there was a way we could be looking from our neighbor's houses to see how far we would come to where it wouldn't block their view.

Mr. Winters: I'm sure they would allow you to come in and take a look. We're going to ask you to come back when you're ready. It doesn't have to be next month. Come back when you're ready.

Mr. Winters opened the Public Hearing at 7:40 P.M.

FOR: NONE  
AGAINST: NONE

The Hearing was left open.

Motion was made by Mr. Winters, seconded by Mr. Snyder, to defer this matter until the November 2, 2011 Zoning Board Of Appeals meeting.

Motion was put to a vote, resulting as follows:

|                |     |
|----------------|-----|
| Mr. Palladino: | Yes |
| Mr. Bloss:     | 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 7:42 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 October 3, 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

October 11, 2011

