

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: JANUARY 7, 2013
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday January 7, 2013, at 7:00 P.M., at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039

Members Present:	Gary Natali:	Board Chairman
	Charles Stanton:	Board Member
	Donald Bloss:	Board Member
	Donald Snyder:	Board Member
	Mark Rabbia:	Board Member

Absent: None

Others Present:	Steve Procopio:	Codes Enforcement Officer
	Terry Kirwan:	Attorney
	Nancy G. Morgan:	Secretary
	Gary Palladino:	Board Member, AdHoc

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

Mr. Natali 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. Natali, seconded by Mr. Snyder, to approve the minutes of the December 3, 2012 Zoning Board of Appeals meeting. There were no additions or corrections.

Motion was put to a vote, resulting as follows:

Mr. Rabbia: Yes
Mr. Snyder: Yes
Mr. Bloss: Yes
Mr. Stanton: Yes
Mr. Natali: Yes

Motion duly carried.

Mr. Natali: We have proof of posting for all cases on tonight's agenda on file in the Zoning Office. Also, 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.

Motion was made by Mr. Natali, seconded by Mr. Stanton, that all actions taken tonight are Type 2 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. Snyder: Yes
Mr. Bloss: Yes
Mr. Stanton: Yes
Mr. Natali: Yes

Motion duly carried.

AREA VARIANCE FOR CARMEN J. PERROTTI, 6591 LAKESHORE RD., TO CONSTRUCT AN ATTACHED CARPORT TO A NON-CONFORMING STRUCTURE IN AN R-10 ZONING DISTRICT. THE PROPOSED MINIMUM SIDEYARD SETBACK 2.2 FT. WHERE 6 FT. IS REQUIRED.

Representatives: Carmen Perrotti, Owner
Jeff Robinson, Contractor

Mr. Perrotti: I want to improve the road side of my property. The carport will be to store my boat in the winter. There will be a new fence in front. I want to improve the road side this year like I improved the lakeside last year.

Mr. Rabbia: Could you offset it ?

Mr. Perrotti: There is a tree on the right side of my property.

Mr. Rabbia: Where is the driveway going ?

Mr. Perrotti: I'll expand it 5 feet on my side.

Mr. Stanton: Will it be a solid fence ?

Mr. Perrotti: It will be a solid fence. The driveway side will be split rail.

Mr. Stanton asked Mr. Perrotti about the side elevation.

Mr. Perrotti showed his plans to Mr. Stanton to answer his questions about elevations.

Mr. Stanton: Why not extend your garage and have a door on it? This board had previously approved another carport for another applicant, based on a convincing argument. This carport is not being used to store cars.

Mr. Perrotti I want to improve the front of my house and landscape. I don't want to build a garage.

Mr. Natali: What is the width of your boat ? You are going to great expense.

Mr. Perrotti: The boat is about 8 feet wide. There will be a fence and a gate. The dock and the boat will be kept in the carport for the winter.

Mr. Natali: What are the dimensions of the gate ?

Mr. Perrotti: It will be a gate and cedar posts--it will match the house.

Mr. Procopio: The carport faces the road. There will be fencing on either side . He will enter it on the south elevation.

Mr. Snyder: There are two 10 ft. gates.

Mr. Natali: I know this is what you want.

Mr. Perrotti: Everything ties into my house.

Mr. Robinson: The design will mimic the front porch. The fence will be for protection--will keep animals, etc. out.

Mr. Rabbia: You are not entering the side ?

Mr. Natali: Do you know of anything else like this on the south shore of the lake ?

Mr. Perrotti: I haven't seen anything like it.

Mr. Natali: When do you want to start building ?

Mr. Robinson: In the spring.

Mr. Bloss: If this carport looks as good as Mr. Perrotti's house, it will look fine.

Mr. Perrotti: I want to tie it in with the house.

Mr. Stanton: Many of the features stated as being included by the applicant are not shown in his provided plan.

Mr. Robinson: If it was closed in, it would be a significant garage.

Mr. Natali opened the Public Hearing at 7:25 P.M.

FOR: Pete Nasarenko, 7042 Lakeshore Rd., spoke in favor. Mr. Perrotti has really cleaned up this area.

AGAINST: NONE

The Public Hearing was closed at 7:26 P.M.

Mr. Bloss considered the 5 factors for this Variance :

1- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created? Answer: No.

Mr. Rabbia : I'm in favor of this proposed storage addition.

2- Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an Area Variance ? Answer: No.

Mr. Bloss: I think it's a good alternative.

Mr. Snyder: I'm in favor.

3- Whether the requested Area Variance is substantial ? Answer: No.

Mr. Snyder: It's close to the line--it's the only Variance.

Mr. Stanton: I think it will look great when it's done. The side setback is consistent with the existing structures on the property.

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

Mr. Natali: It is not changing the drainage.

Mr. Snyder: It improves the neighborhood.

5- Whether the alleged difficulty was self created ? Answer: Mr. Bloss: No, I don't believe so.

Mr. Natali: We have not received any adverse comments from the County Planning Agency.

Motion was made by Mr. Bloss, seconded by Mr. Snyder, to approve the Area Variance for Carmen J Perrotti, 6591 Lakeshore Rd., to construct an attached carport to a non-conforming structure in an R-10 Zoning District. The proposed minimum side yard setback is 2.2 ft. where 6 ft. is required. Mr. Stanton added: The attached open storage is for the purpose of sheltering a boat.

Motion was put to a vote, resulting as follows:

Mr. Rabbia: Yes

Mr. Snyder: Yes

Mr. Bloss: Yes

Mr. Stanton: Yes

Mr. Natali: Yes

Motion duly carried.

AREA VARIANCE FOR PETE NASARENKO, 7042 LAKESHORE ROAD, TO CONSTRUCT A RESIDENTIAL ADDITION TO A NON-CONFORMING STRUCTURE IN A R-10 ZONING DISTRICT. THE EXISTING SIDE YARD SETBACK OF 0 FT. WHERE 6 FT. IS REQUIRED AND A FRONT YARD SETBACK OF 19.5 FT. WHERE 30 FT. IS REQUIRED.

Representative: Pete Nasarenko, Owner

Mr. Natali: We have your new plans.

Mr. Nasarenko: The existing structure is close to the road. The structure has been that way for about 90 years. The new addition will conform with all setbacks.

Mr. Snyder: It is close to the 35 ft. height requirement.

Mr. Procopio: The height is measured from the finished grade at the front to the highest point of the roof.

Mr. Snyder: The existing residence is over the line. You've done a good job changing it.

Mr. Nasarenko: I will adhere to the 35 ft. requirement. I've spent 9 years remodeling my house. The neighbor's bank will not cut off the 6 ft. chunk. The neighbors have no issue of selling it but it's up to the bank now. I had the subdivision done--I told them to stick with the first survey.

Mr. Stanton: Please note that this Variance does not address the existing structure's approximate 1.7 foot encroachment on the Boyce property and shall not be inferred as an approval of the aforementioned encroachment.

Mr. Nasarenko: Should I address the measurements with the Zoning Office ?

Mr. Natali: We have a statement from the County Planning Agency. They have no concerns or issues

Mr. Natali opened the Public Hearing at 7:43 P.M.

FOR	NONE
AGAINST:	NONE

The Hearing was closed at 7:44 P.M.

Mr. Rabbia considered the 5 Factors for this Variance:

1- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created ?

Answer: No, it will improve the neighborhood.

2- Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an Area Variance ? Answer: No, it's a pre-existing condition.

3- Whether the requested Area Variance is substantial ? Answer: No, because this house has been there for many years.

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

5- Whether the alleged difficulty was self-created ? Answer: No, Mr. Nasarenko is following the bulk requirements.

Motion was made by Mr. Rabbia, seconded by Mr. Snyder, to approve the Area Variance for Pete Nasarenko, 7042 Lakeshore Rd., to construct a residential addition to a non-conforming structure in an R-10 Zoning District. The front yard setback is to be no closer than 14.5 feet where 30 ft. is required and the structure is not to exceed 35 ft. height.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Snyder:	Yes
Mr. Bloss:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried..

Mr. Natali noted that Gary Palladino, Board Member AdHoc, is requested to attend all meetings.

There being no further business before the Board , it was unanimously approved for the meeting to be adjourned at 7:50 P.M.

I, Nancy G. Morgan. stenographer for the Zoning Board of Appeals of the Town of Cicero, Onondaga County, State of New York, and the person who attended a meeting of said Board of Appeals held January 7, 2013 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.