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STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: October 5, 2015
PLACE: CICERO TOWN HALL
TIME: 6:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday, October 5, 2015 at 6:00 P.M., at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039

Members Present:	Gary Natali	Board Chairman
	Charles Stanton	Deputy Chairman
	Donald Snyder	Board Member
	Mark Rabbia	Board Member
	Gary Palladino	Board Member
Others Present:	Terry Kirwan, Esq.	Attorney, Kirwan Law firm
	Richard Hooper	Code Enforcement
	Ann Marie August	Recording Clerk

Inasmuch as there was a quorum present, the **meeting opened at 6:00 P.M.**

Chairman Natali called the meeting to order and asked for a roll call of Board Members present. He pointed out fire exits and requested that pagers and cell phones be silenced. He then asked everyone to stand for the Pledge of Allegiance.

[The Board addressed the minutes from the August 3, 2015 ZBA Meeting. Based on information provided to the Board by the Board's Attorney, Terry Kirwan, Esq., since three members were present at the August 3rd meeting and although one member abstained, that is still a vote, therefore, the minutes of the August 3, 2015 ZBA Meeting are approved as corrected.]

Mr. Natali: Has everyone read the minutes from the September 14, 2015 meeting?

Board: Yes.

Mr. Natali: Are there any corrections or additions?

Mr. Stanton: Yes. Page 3 of 18, the comments attributable to me, third sentence, instead of "the few issues" it should be "there are a few issues." That's all I have.

Mr. Snyder: I'll make a motion to approve the September 14, 2015 meeting minutes as corrected, seconded by Mr. Stanton.

Motion was put to a vote, resulting as follows:

Mr. Rabbia	Yes to the Motion
Mr. Snyder	Yes to the Motion
Mr. Palladino	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

Mr. Natali: The Cicero Town Board acknowledges the importance of full public participation at all public meetings and, therefore, we urge all who wish to address those in attendance to please come to the microphone located in the front of the room.

Motion was made by Mr. Natali, seconded by Mr. Stanton, that all actions taken tonight are Type 2 and have a negative impact, that is no impact, on the environment unless otherwise indicated.

Motion was put to a vote, resulting as follows:

Mr. Rabbia	Yes to the Motion
Mr. Snyder	Yes to the Motion
Mr. Palladino	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

Mr. Natali: We have proof that all items on tonight's agenda have been advertised as directed by law.

Mr. Natali: I will briefly review the process for tonight's meeting for the benefit of those present that have never been before the Zoning Board of Appeals. (1) Each applicant will have an opportunity to describe their project. (2) The Board will then ask questions about the project. (3) I will then open a public hearing where people will be able to speak for or against the variance. (4) The applicant will then be given the opportunity to rebuff what is stated. (5) Board members will again have the opportunity to question the applicant. (6) The Board will openly discuss among themselves the Five Factors that determine the final decision. We have not had a pre-agenda meeting so this is the first time we get a sense of how each of us feels about the variance. (7) A motion will be made, seconded, and voted upon.

RYAN J. BECKLEY
SNOWSHOE TRAIL (TAX MAP #809.-10-40.0)
AN AREA VARIANCE FOR A PROPOSED NON-RESIDENTIAL STRUCTURE IN AN
AGRICULTURAL ZONE. THE LOT AREA IS 1.81 ACRES WHERE A MINIMUM OF 2.0 ACRES
IS REQUIRED.

Mr. Stanton: Mr. Chairman, can we just note that the first applicant has not shown up yet so we are just moving the Marie Kelly variance down on the agenda.

Mr. Natali: Yes, thank you.

Mr. Beckley: My name is Ryan Beckley and I am here to obtain a variance for building a non-residential structure on a lot that is less than two acres. The lot is 1.81 acre. I am looking to build a pole barn 40' x 60' for personal use, personal storage.

Mr. Palladino: You covered some of this last month, correct?

Mr. Beckley: Yes, sir.

Mr. Palladino: I wasn't here so if we could review. Are you going to have electrical going to the building?

Mr. Beckley: Eventually yes.

Mr. Palladino: Are you going to run sewers? Is there going to be water? Full utilities?

Mr. Beckley: I didn't plan on putting sewer on the property but I was told that if I bring water back there, I have to so, yes.

Mr. Palladino: What are you going to store there?

Mr. Beckley: I have a 41' fifth wheel currently in my 50' long driveway that is directly across the road from this property. I would also like to get it out of my driveway.

Mr. Palladino: How close to the road is the front of the pole barn or storage building going to be? I really couldn't tell from the survey.

Mr. Beckley: I'm going to guess it's over 200' ... probably closer to 250'.

Mr. Palladino: Just out of curiosity did you try to buy that land to make it two acres?

Mr. Beckley: No. Well, I couldn't because that would make my other lots...any of the other lots substandard.

Mr. Natali: You mentioned that you might possibly build a home back there also.

Mr. Beckley: That's right.

Mr. Natali: Do you have any kind of a survey showing where it might be?

Mr. Beckley: I haven't even gone down that path yet. I might...I might not, it depends on what my wife feels in the future. I currently live right across the road from this so building another house is not of significant importance to me right now but it is a possibility.

Mr. Snyder: You also indicated last time that you don't plan on clearing the property so there would be a tree line that would separate your property from the neighbors that are across the street from you that are adjacent to your new property so they, other than in the winter time, would not even know the building was there.

Mr. Beckley: Yes, I think if you were to go there right now, you would have a difficult time seeing where the building would be. Obviously, in the winter that would change a little bit. There will be a 50' buffer that I am going to leave in its natural state.

Mr. Snyder: Now there were concerns raised by some residents but we had the drainage code enforcement officer at the meeting and he indicated that this did not appear to cause a drainage problem and if there was

something the Planning Board would be dealing with you on that when you came before them. Is that correct?

Mr. Beckley: That is correct.

Mr. Rabbia: How long have you owned the property for?

Mr. Beckley: Uhhhh, I'm gonna guess about a year.

Mr. Rabbia: A year?

Mr. Beckley: Maybe a little more than a year.

Mr. Natali: Your gravel bed 80' x 100' seems a little excessive compared with the size of your proposed garage.

Mr. Beckley: Well if you have ever tried to turn around a 41' trailer before...my intention is to keep as many trees there as possible. I did not want to go in and clear cut.

Mr. Snyder: Our concern is obviously is the more you develop, the more you put hard surface down, then we end up with a potential drainage problem. We know we are going to shed all the water off your new building so that used to go into the ground and disappear. So, I believe what the Chairman is concerned about and we all are is if there was less hard surface rather than more that would be better in relation to the drainage issue.

Mr. Beckley: Believe me I would rather not cut down trees because if I do that costs me money.

Mr. Natali: Are you going to have any facilities there. Are you going to have water?

Mr. Beckley: Eventually, yes.

Mr. Natali: A bathroom?

Mr. Beckley: I didn't plan on putting a bathroom in it.

Mr. Natali: Because you live across the street.

Mr. Beckley: Right. The total amount of land that was cleared so far, or will be since I do not plan on cutting down anything else, is a little less than a third of an acre.

Mr. Rabbia: Is there a reason, and I apologize, I didn't see the minutes...is there a reason it is sited where it is right now on the property, could you have moved the garage deeper into the lot and away from...

Mr. Beckley: It's just for future possible use is to try to tuck it away if I possibly were to build a house. Thinking long term, I didn't want to have to move a 40' x 60' structure.

Mr. Snyder: If you did that, the house would probably be sited where we see Lot B on the drawing. I would think it would be to the south of your new building. I'm sorry to the north of the building.

Mr. Beckley: Right. Probably on the side of the cleared area where we have the turnaround. It would be north

of that, due to the building lines and the setbacks, that's where it would push me in that direction. To the northeast of where the garage is going to be.

Mr. Rabbia: Did you buy this land a year ago to put a house on it or a garage?

Mr. Beckley: A garage.

Mr. Natali: Any other questions, gentlemen?

Mr. Natali opened the Public Hearing at 6:11 P.M.

Mr. Natali: Is there anyone here who would speak for this variance? [no response]

Mr. Natali: Is there anyone here who would speak against this variance? [no response]

Mr. Natali closed the Public Hearing at 6:11 P.M.

Mr. Natali addressed the Five Factors:

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

Mr. Rabbia: I think it could. You are putting a storage building right in the middle of a residential development.

Mr. Palladino: But it's not. He's 200, 250' off the road, covered with trees.

Mr. Rabbia: He's 50' from a rear lot.

Mr. Stanton: To reiterate some of my concerns from the last meeting since they seem to be playing into yours. The idea of putting up such a large pole barn in the middle of what's a residential neighborhood, you are basically surrounded on three sides by houses. I know it's shielded by trees but here is actually what I was thinking during the last meeting but didn't articulate at that time. The people going to try and buy a house in this area will look at the maps and the pictometry which we have here and it shows woods. Perhaps you can make the case that this doesn't change the nature of the neighborhood but having that large structure there and visible when someone decides to sell their house later on and you can see that on maps, you can see that on Bing, wherever, that to me changes the nature of this neighborhood and may influence potential decisions that people make relative to moving into this neighborhood.

Mr. Rabbia: Said well.

Mr. Natali: Okay you feel that too.

Mr. Palladino: To rebuff, if it was .19 acres larger, we wouldn't be having this conversation so it's not the fact that he wants to build a pole barn, it's the fact that he is shy of two acres. Now, if he had the two acres, he could put the pole barn up and we would have nothing to say. It is permitted use, it's agricultural. It is still zoned agricultural. It hasn't been changed and to address an undesirable change, I would think parking a 40 or 50' trailer in their driveway is much more of an eyesore and changes the neighborhood than a well-constructed pole

barn tucked in the back.

Mr. Stanton: I hear that but you can't park a 41' trailer legally in your driveway; and my feelings on that is...yes, somehow this one parcel that's nestled inside this residential neighborhood remained agricultural. The fact that it's less than two acres puts it squarely in our prevue and has the added emphasis of making us responsible for maintaining the character of the neighborhood. We have a chance here as opposed to if it were two acres and he didn't even have to come in front of us.

Mr. Snyder: Let me use my situation as an example. I live on Mudmill Road. I have a huge piece of property, I have a huge pole barn. It's visible from the street. The house next door is for sale. It is being sold. Obviously those people who are buying that house didn't say, "Oh my goodness, the neighbor has this big pole barn and therefore I am not going to buy this house." In this situation, we are talking about burying a pole barn in the woods. You are right, we cannot park a trailer that size in the yard so he is coming up with a solution so he doesn't have to park his trailer somewhere else and pay money for it and he's going to add to the tax role so I, you know, for that very small amount of property that he's missing, he is sitting here and he has to go before the Planning Board to get all the other things squared away.

Mr. Rabbia: I think my only comment to your situation and if you go up and down Mudmill there are houses in similar situations to yours with similar sized garages and buildings. There is not that here. There may be a couple of people with a three-car garages but there is no one with a 40' x 60' building here within three-tenths of a mile radius. So, I think that's the difference between Mudmill and this. That's where I am coming from regarding changing the character of the neighborhood is do I see a 40' x 60' building anywhere here? No I don't.

Mr. Snyder: Okay, and I would feel differently if this was being put where the driveway to his property is now. If he had land big enough to put a 40' x 60' building there, rather than back off the road a couple hundred feet and behind some woods, I would probably feel differently. But, we are talking about a situation that is unique. He is back off the road. People driving in and out of that neighborhood would probably not even be aware that it is there.

Mr. Rabbia: He's 50' from the folks on Rollercoaster, right? The rear lot lines.

Mr. Palladino: Yes but he is still 250 some feet off the road.

Mr. Rabbia: I mean, I'm looking at Rollercoaster.

Mr. Snyder: Yes he's 50' back from them and he's also 30' at least from any structure if those houses were built correctly so that means there's 80' distance between someone's building on those adjacent lots and his building. That's a lot of distance.

Mr. Rabbia: We could probably agree to disagree on this topic. It is what it is.

Mr. Natali: This was a subdivision of property that you already owned? Was it an error that you didn't come up with two acres?

Mr. Beckley: Originally I was under the impression that I would get two acres. That's what I was shooting for but then when the surveyor actually got out there, rather than going by the Town maps, because the Town maps were incorrect, that's how we got to the 1.81 acres.

Mr. Natali: What was the surveyor's excuse?

Mr. Beckley: He was going by the Town maps which were not accurate. That may be another issue. I do have a question for you...

Mr. Natali: Well, can we stay with this for a minute please, you can have all the time you want. Richard (Hooper – Code Office) is that something that can be rectified?

Mr. Hooper: What's that Gary (Natali – Chairman)?

Mr. Natali: The surveyor was using Town maps that were not accurate.

Mr. Hooper: I don't know, that's probably a legal matter.

Mr. Natali: Okay, another issue. Your question please.

Mr. Beckley: My question is...you are talking about the value of homes that are around there. I can understand your concern but there is no one that showed up at this meeting or the previous meeting that had any concern about the value of their property.

Mr. Stanton: We understand that and although it may play a factor in our decision, it would not be the sole overriding reason to make a decision. You had a fraction of the people in the neighborhood show up. That's the nature of it.

Mr. Beckley: In my book, that's their problem.

Mr. Stanton: I hear that but we are also charged with speaking for those people as well and making sure that they are protected.

Mr. Beckley: Well, good for you.

Mr. Natali: I have a question for you. Would you consider, even though you are at the allowed setbacks, would you consider moving it back another fifteen, twenty feet?

Mr. Beckley: I would rather not. I don't know if that's going to do anything. You are just moving it closer to another neighborhood.

Mr. Natali: Well, I'm thinking into the fall. I know the driveway's pretty busy and you do have wood piled up there and you said you are going to clean that up.

Mr. Beckley: That's nearly gone right now.

Mr. Natali: Okay. You know the driveway is very close to the property so obviously any kind of storage on that would be a possible eye sore. So, you want to stand with what you have?

Mr. Beckley: mmm hmmm

Mr. Natali: Alright.

Mr. Beckley: I don't think moving it...if I just moved it further east on your map...I guess that's what you're talking about...

Mr. Natali; Yes.

Mr. Beckley: ...you're just going back into a different house.

Answers to Factor 1:

No. Mr. Palladino, Mr. Snyder

Yes. Mr. Rabbia, Mr. Stanton, Mr. Natali

Factor 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. Not really, you only have 1.81 acres and we can't you any more land anywhere else.

All agree.

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

All agree.

Factor 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. This has already been discussed and I think it would be no for that answer.

Factor 5 – Whether the difficulty was self-created? Answer: Yes. Apparently yes, with the help of the surveyor and we can discuss that a little more.

Mr. Rabbia: Let's go back, you made a comment about the surveyor, sir. When you entered into the contract to buy the property, you were under the impression that it was two acres?

Mr. Beckley: That's right.

Mr. Rabbia: And...you went through and actually bought the property without a final survey...is that what you're saying?

Mr. Beckley: No, I did the survey but I wanted the property so I would just have to deal with the 1.81 acres.

Mr. Rabbia: So you knew before you signed the papers that you were less than two.

Mr. Beckley: Oh yeah. Just looking at the maps that were in front of us without the engineer going out there and do measurements but going with the information in front of him, he said we should be able to get two acres and these are where the lines are going to be.

Mr. Rabbia: Okay, I thought I heard something different earlier.

Mr. Beckley: Let me retract something I said. Maybe they are not wrong but maybe the surveyor's interpretation of where the boundary line was out on Lakeshore Road where those properties went. Their property lines actually go out to the middle of the road if I can remember, or maybe they didn't but there was

something about where the boundary was that the surveyor...

Mr. Natali: But there definitely was enough land that you could end up with two acres. So, is it self-created?

Mr. Stanton: Yes.

Mr. Snyder: Well, I think the answer to that is yes, no doubt but that's not...that doesn't necessarily make this a "no" vote.

Mr. Natali: I understand.

Mr. Snyder: Since he bought the land after he knew he had 1.81 acres...yes.

Mr. Rabbia: We talked about moving it east, I guess my concern was more is there an opportunity to move it north away from the backyards of the people on Rollercoaster?

Mr. Beckley: If I did that, I would be pretty much on top of the driveway that's going to go in there. It wouldn't be able to move much.

Mr. Natali: You have plenty of land there. Alright who would like to make a motion?

Mr. Snyder: I'll make a motion. Am I correct in saying that since it's zoned agricultural, the only variance we have is the 1.81 acres as opposed to two acres?

Mr. Natali: Yes.

MOTION made by Mr. Snyder, seconded by Mr. Palladino, on behalf of Ryan J. Beckley, for approval of an area variance for a proposed non-residential structure in an Agricultural zone. The lot area is 1.81 acres where a minimum of 2.0 acres is required for non-residential use.

Mr. Rabbia No to the Motion. I think there is significant opportunity to site the garage away from the neighbors' back yards. We didn't go down that path so, no to the motion.

Mr. Snyder Yes to the Motion

Mr. Palladino Yes to the Motion

Mr. Stanton No to the Motion

Mr. Natali No to the Motion. Two things I'm concerned about a private garage that sits alone. I'm confident you are going to do the right thing. My issue is, what is the next owner going to do? Is it going to be a repair shop? Is the Code Officer going to have to go out there because neighbors are complaining? That's one of my big issues. The other is I really think that when you signed those papers, you created something that you could have fixed. So, for those two reasons, I am going to say "no" to the motion.

YES – Mr. Snyder, Mr. Palladino

NO – Mr. Rabbia, Mr. Stanton, Mr. Natali

Motion denied.

MARIE KELLY
7918 EISENHOWER BLVD.
AN AREA VARIANCE FOR A SHED WHERE THE SHED IS LOCATED A DISTANCE OF
1.5+/- FEET TO THE SIDE PROPERTY LINE WHERE A MINIMUM OF 6.0 FEET IS
REQUIRED.

Mr. Natali: Good evening. Would you please remove your hat, sir? Thank you. Let me see, this is our third opportunity to discuss your situation, going back to August 3rd. Has anything changed? Have you considered any of the ideas that were presented to you? Or, do you have any questions for the Board?

Mr. Wilcox: I don't know if any of you have been out there and looked at it so I don't know if you guys have come up with any other options.

Mr. Natali: I was out there with the Code Officer but you were not home.

Mr. Stanton: It's not up to us to come up with options unfortunately. We are charged with approving the minimum variance. We are trying to help here but I feel as though there is not any interaction on this besides, "this is ridiculous, we are not moving it."

Mr. Wilcox: If I have to move it to the back corner, I think that is ridiculous.

Mr. Natali: You've stated that in each of the last meetings.

Mr. Wilcox: I can move it back, I think it's like 17' which will clear the 10' needed on the house. If I move it straight back but I still gotta fix the fence. I gotta fix the driveway. I have to repair the yard.

Mr. Natali: One of the things that surprised me is how level the back yard is and quite honestly, it had just rained and I thought it was pretty dry. I know you mean behind the fence but that surprised me since the way you described it I thought it would be swampy to quote you.

Mr. Wilcox: It hasn't rained a lot lately but when it rains, it's....there's standing water in there now.

Mr. Natali: Okay. One of the reasons we are at a third time is Mr. Rabbia made a motion that based on us throwing out some possibilities that you might have an opportunity to think about. Mr. Stanton made a recommendation...and by the way, we have two engineers on the Board...that you move it back six feet off the property line and five feet off the back property line. Is that something you can live with?

Mr. Wilcox: Why does it have to go back that far? It only has to clear the house by ten feet.

Mr. Natali: You have to be ten feet from your house.

Mr. Wilcox: Yeah, if I move it back 16 or 17 feet...

Mr. Natali: No, I said six feet sir.

Mr. Wilcox: Back six feet or off the property line?

Mr. Natali: I'm sorry. Six feet back within five feet off the property line.

Mr. Snyder: Mr. Chairman, one of the things I did when I went out to the property again for the second time...but I have a question regarding the fire issues once I make this statement...moving the shed back 19.5' puts him 10' away from his house so that the fireproofing for the house is not an issue. If we moved it three foot to the east it would be 4.4' off the property line and it would be 12.5' from the back line which we try to keep that because we'd like it to be 30' but it obviously can't be 30' and so that but I wasn't sure what happens with moving it. What happens with the guy next door who has a garage that should be that close to the property line, do we still end up with a fire-proofing issue? Because I think that by moving it back 19.5', getting it 10' from the house so we don't have to fireproof the house, that makes his side of the fence whole but I don't know how it relates to his neighbor that has this structure which we probably wouldn't approve if we had been asked to approve it.

Mr. Stanton: I guess we ask Mr. Hooper (Code Office). Do you have a comment on this?

Mr. Hooper: Again, you are throwing a lot of numbers out. We have to make a decision on where we are going to put it then we can make a decision on what needs to be fireproofed and what does not. Someone mentioned 30' from the rear. It doesn't have to be 30' from the rear...not a shed. It has to be 3' from the rear. If he could push it back to 3' from the rear, and he could possibly get it away from the fence 5' then it okay.

Mr. Snyder: No matter how far he moves it back, he'll still be less than 10' from his neighbor's shed or garage, whatever is there.

Mr. Hooper: We've talked to him about that. He can fireproof that side. Steve's (Procopio – Code Office) talked to him.

Mr. Snyder: Are you saying he's got to talk to the neighbor, to get his neighbor to fireproof his...

Mr. Hooper: No, I'm saying that he's been in to talk to Steve (Procopio – Code Office).

Mr. Snyder: Okay, he'd fireproof that side of his shed.

Mr. Rabbia: Let's keep going on this so what's the minimum distance that he would need between his shed and the adjacent property or the fence?

Mr. Hooper: The fence? Well...

Mr. Rabbia: How far would he have to jog it over towards the east?

Mr. Hooper: It should be six feet from the fence. If he's six feet from the fence, he's fine.

Mr. Snyder: In order to be six feet from the fence, he would have to be more than 19.5' back because at 19.5' back, he's ten feet away from the house and 12.5' from the back wall. So you're saying if he's got to go over.

You're saying instead of 4.4', he's got to be 6.0' and the only way he's going to do that is to move it back within three or four feet from the back fence.

Mr. Stanton: Just to clarify and I know we keep coming back to the neighbor's shed. He's likely, even at six feet, it is going to place the new shed location within ten feet of that structure on the other property.

Mr. Hooper: I don't know what's on the other property. It doesn't show on this survey.

Mr. Stanton: Do you want to see a picture of it.

Mr. Hooper: Sure. [Mr. Hooper goes forward to view the photo on Mr. Stanton's laptop.]

Mr. Snyder: It appears to be bigger than a shed.

Mr. Palladino: I've got 4'9" from the neighbor's garage to the fence.

Mr. Hooper: Well, he could move it back if he's willing to fireproof that one side.

Mr. Rabbia: Or move it back and offset it and not do anything, right?

Mr. Hooper: If he can.

Mr. Snyder: I guess what I'm wondering here is since we have a situation with the neighbor who appears to have created a problem also. I'm wondering if we could and this may sound crazy. I know the more we move the shed away from the fence, it starts to really intrude on the yard and the house, the deck, the porch, the patio, the whole thing. So, I was wondering if we have...does the Code Office have any authority to make the neighbor fireproof his sidewall because if he needed to be six feet...I mean...I don't know.

Mr. Hooper: The only way we would address that is if we were to get a complaint. As the gentleman said when he first came in, you can go all up and down Eisenhower and Areopagitica and they are all non-conforming.

Mr. Natali: I'm sorry, I didn't hear the last part. They are all....?

Mr. Hooper: Most of them...many of them...many of them...as he communicated when he first came in, are non-conforming.

Mr. Snyder: Mr. Wilcox have you had any other conversations with Steve relative to fireproofing?

Mr. Wilcox: Fireproofing was shot down because I was under the impression that I could leave it and fireproof it.

Mr. Snyder: Oh, yes, and I remember saying that I never read in the minutes where that was an option. The Board, never, in August, said if you fireproof it, you don't have to move it. I can agree with that because we have never approved 1.4'.

Mr. Wilcox: Then, I must have misunderstood because I thought he said you could move it, tear it down or fireproof it.

Mr. Rabbia: I think there were several discussions happening so it might have gotten twisted up.

Mr. Wilcox: We did look into fireproofing and I can buy fireproof paint and I'd be willing to fireproof it but I don't want to have to fireproof it because my neighbor's shed is causing me more problems than I originally had.

Mr. Rabbia: What is the minimum distance for the fire code between two structures again?

Mr. Natali: Five feet from two combustible structures and 10' from the house.

Mr. Rabbia: So, hold on. Ten feet from the house, we've got that or well there is something we can do with that. Are we saying it is five feet effectively between the two sheds?

Mr. Stanton: If Mr. Palladino's measurements are correct, we could probably get more than five feet.

Mr. Rabbia: Correct. So are we okay, forget about the house for a second, are we okay where the shed is sitting relative to the neighbor's garage.

Mr. Stanton: I believe we have about 1.5' from the fence to the shed.

Mr. Rabbia: So, 1.5' plus your 4 and change is greater than five right?

Mr. Stanton: If it were 1' and 4', you're good.

Mr. Snyder: Meaning we have him move his shed off the fence by 4.5'

Mr. Rabbia: I don't think he needs to move his shed. I don't think he has to come this way at all. Gary's (Palladino) saying the neighbor's four feet from the fence to his shed. So the only issue I think we have to deal with is how far away from the house. I think, I mean if I'm hearing this correctly.

Mr. Snyder: And we can do that without any problem by...

Mr. Rabbia: That's just a straight...chain it up and slide it back.

Mr. Snyder: Right. I think and he would not have to fireproof the shed. Okay, once he moved it back to the south. Once he clears the 10' distance to the house...

Mr. Rabbia: Then, if you do that and if what Dick (Richard Hooper – Code Enforcement) is saying that you only need five feet between the structures, then I believe we are okay.

Mr. Snyder: Right.

Mr. Rabbia: As long as Gary's (Palladino) measurements are somewhat accurate which if he's at least four and Mr. Wilcox is at least one, that's five. We are dealing with an entirely different issue that you are a foot from the side line or whatever the number is.

Mr. Natali: Are you agreeable to that?

Mr. Wilcox: I'm agreeable to going straight back. It was mentioned 19.5' but before that it was mentioned 6'. So I only have to go back 6'.

Mr. Stanton: Wait we are talking about entirely different things. The six feet is an east west movement away from the fence. The portion of the fence that runs north south. So we are talking about that, moving over sideways.

Mr. Rabbia: What we are exploring is whether he has to make that move based on the fire code.

Mr. Natali: Then five feet off the back.

Mr. Rabbia: We're not worried about the back. All we are trying to do is find the first point where he's 10' away from the house.

Mr. Natali: So, we can say no closer than 10' from the house and 5' from the fence.

Mr. Rabbia: I think what we are saying is just leave it where it is relative to the distance from the fence today.

Mr. Snyder: If he moves it straight back about 19.6 or so, say 20', he'd be 10' off the house and it appears he would have the 5' separation between the two structures.

Mr. Rabbia: I want to make sure we are not breaking any fire code rules.

Mr. Natali: So we can say no closer than and then stake it and then you deal with the building permit with the Code Office. Is that something you would like to entertain?

Mr. Wilcox: I don't have a choice. I don't like it but I'll do it. It's going to be costly.

Mr. Natali **opened the Public Hearing at 6:45 P.M.**

Mr. Natali: Is there anyone here who would speak for this variance? [no response]

Mr. Natali: Is there anyone here who would speak against this variance? [no response]

Mr. Natali **closed the Public Hearing at 6:45 P.M.**

Mr. Snyder addresses the Five Factors:

Factor 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**, but later changed vote **Yes**. If we grant the variance because he will move the shed back away from the house so it will be even less visible and depending on how the fence is installed, no one would even know it was there, if the fence is left where it is right now, in front of the garage.

Mr. Rabbia: I agree. The answer is “no” in my mind.

Mr. Natali: **Yes**, it will be a detriment.

Mr. Palladino: **No**.

Mr. Stanton: **Yes**.

Factor 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.**

Mr. Natali: We have to address this variance. This would be “yes” and the detriment to the neighborhood would be “yes.” I just wanted to comment on that. This is a blowup of your street and you mentioned twice that there’s a neighbor four doors down, I didn’t know what direction. [Mr. Wilcox goes up to the board and points out a building.] It’s not closer than 1.5’.

Mr. Wilcox: From the house it’s less than 10’.

Mr. Rabbia: He’s right. I mean these are all over this neighborhood.

Mr. Natali: Okay.

Mr. Snyder: Well, we said...[hesitating]

Mr. Natali: We said “yes,” it can be achieved by another means...you’re still on that one Don (Snyder). This variance can be...because it’s a detriment, it can be achieved by another means and that’s with the new proposal.

Factor 3 – Whether the requested Area Variance is substantial? Answer: Yes. Go to our mathematician.

Mr. Natali: Yes, it’s basically 75% variance.

Mr. Snyder: It’s six feet and it’s going to be..., yes.

Mr. Natali: So, it’s substantial.

Mr. Stanton: It’s 75%

All agree.

Factor 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.

All agree.

Factor 5 – Whether the difficulty was self-created? Answer: Yes. Unfortunately, Mr. Wilcox did what I did. He started building something without a permit and I know how it feels because I was there.

Mr. Natali closed **the Public Hearing at 8:04 P.M.**

Factor 5 -All agreed.

Mr. Rabbia: I just want to go back to number one for a second. Did you say that an undesirable change will be produced in the character of the neighborhood?

Mr. Natali: The way it is now. The way it is being 1.5’. Now, it doesn’t mean there isn’t others there but there’s nothing that close and I’ve driven up and down Eisenhower and quite a few streets and we do have an overview.

Mr. Rabbia: So, you answered “yes” and I answered “no” to that one.

Mr. Natali: Okay, that’s fine. We are allowed to differ.

Recording Clerk: What did everyone else answer to number one?

Mr. Stanton: I would answer “yes” to that also.

Mr. Snyder: I said “no” but I’ll move to yes if that how you...I would have said no.

Mr. Natali: We are talking about what they are asking for now and then when you make a motion that’s when you come in with the solution. So we are on the right track. Let’s help these people.

MOTION made by Mr. Snyder, seconded by Mr. Rabbia, on behalf of Marie Kelly, 7918 Eisenhower Blvd., for an area variance for a shed where the shed is located a distance of 1.5+/- feet to the side property line where a minimum of 6.0 feet is required; the shed will be located no closer than 10' from the house; and all other bulk requirements will be met.

Mr. Snyder: Before we call the roll, let's be sure that the applicant understands what needs to be done. You understand what we are saying?

Mr. Wilcox: Yes, we're moving it back.

Mr. Snyder: You're moving it straight back and you're moving it back such that when the Code Office does a measurement from the front of the shed to the house, there is at least 10' clearance in that distance. Alright?

Mr. Wilcox: [affirmative gesture]

Mr. Snyder: Okay, I just wanted to make sure you understood that.

Mr. Rabbia Yes to the Motion

Mr. Snyder Yes to the Motion

Mr. Palladino No to the Motion

Mr. Stanton Yes to the Motion

Mr. Natali I just want to point out something. When you said the shed was falling down and the neighbors were glad to see it go and maybe that's why nobody called the code officer and you said you replaced it where it was. Actually, you built a bigger one. Your property was non-conforming where the old one was and you expanded on a non-conforming structure which is illegal. You went to 180' with was approximately 20% bigger. I just wanted to point that out but I will vote yes to the Motion and I wish you good luck.

Motion duly carried.

**FRANK CHIDO
7511 W. MURRAY DRIVE
AN AREA VARIANCE WHERE THE PROPOSED ADDITION TO THE EXISTING
ATTACHED GARAGE IS A DISTANCE OF 16'2" FROM THE STREET LINE WHERE
A MINIMUM OF 30'0" IS REQUIRED**

Mr. Natali: Just for the benefit of the gentlemen who were not here at the last meeting, would you go over your project really quickly?

Mr. Chido: Yes, sir. I am adding a residential garage on to my existing garage. I am trying to hide a trailer and some other items. I have out grown my existing structure and I don't have a basement so I am trying to make do and add on a new garage to the structure. I've outgrown what I have here now.

Mr. Snyder: Did you have any other discussions with the neighbor who was concerned about vision, about view lines.

Mr. Chido: She claims that she can't see past the house but there is a tree and a telephone pole in the way and I have a picture if you want to see it.

Mr. Rabbia: I'd like to see that picture if you have it. [Mr. Chido approaches the Board.] Thank you.

Mr. Rabbia: One picture there is the neighbor's view towards his property and then the other view is his truck and snowmobile trailer and where he parks it.

Mr. Chido: There was some concerns about the garage but there's an eight bay commercial building at the end of the road and in front of me.

Mr. Stanton: You're talking about the business down at the end of the road but that's zoned commercial, isn't it? So, they're allowed to have that. I understand you are talking about character and what not.

Mr. Chido: Yes, I am talking about character, I'm sorry.

Mr. Stanton: I think you probably gathered from the discussions leading into this from the other cases that we are looking at options, too, as opposed to just what the applicant is asking for and whether there is any other feasible alternative. Have you, and again, trying to exhaust those things. You have close to an acre of land here. Have you thought about possibly enlarging the shed that you have or building another shed because you are talking specifically about storage, correct? Or are you talking about parking a trailer inside?

Mr. Chido: I'd like to park the trailer in there. There's no way to get down the side yard.

Mr. Palladino: Are there things in the single car garage that could be moved into the shed. Your summer toys in the winter and your winter toys there in the summer? That would open up that single car garage?

Mr. Chido: I physically have no room left.

Mr. Palladino: What if you build another shed in the back.

Mr. Chido: There's really no room to put it back there because of the lake.

Mr. Palladino: There's....okay.

Mr. Chido: Yes, there is room to put it back there but the lake is in your view.

Mr. Palladino: How old is the house, roughly.

Mr. Chido: It's 13 years old as of October.

Mr. Palladino: Did you build it?

Mr. Chido: Yes.

Mr. Palladino: On an existing footprint or was it a vacant lot?

Mr. Chido: It was a vacant lot.

Mr. Palladino: I see.

Mr. Rabbia: Is that the trailer you are going to store in the garage or are you going to store another trailer in there.

Mr. Chido: That's the trailer.

Mr. Rabbia: About how long is that? Is that a four place trailer?

Mr. Chido: It's a four place trailer so it's easily 25' feet long.

Mr. Rabbia: More than 24' right?

Mr. Chido: Yes, it is actually parked in the driveway all winter and in the winter sometimes it's parked where it is now. I do have another trailer and I thought this would be a better solution then pouring a pad off the side of the house and looking at them off the side of the house. I just thought, plus I could use the garage to take care of things.

Mr. Snyder: You also said you had additional storage space above the garage because you were going to repeat the current structural situation you have now so it appears to be extended not that there is a lower portion. This is not lower than the existing house.

Mr. Chido: No, I would follow the existing house.

Mr. Snyder: So you would get the garage and the storage above the garage.

Mr. Chido: Yes. We are on a crawl space right now.

Mr. Rabbia: Is there a chance that the trailer ends up parked on the side of the new garage a year from now because you've used up the space in the new garage for storage.

Mr. Chido: No sir. There would be no room because of where it is. Right now I am paying storage for it to get it out of the driveway, which is costly.

Mr. Rabbia: Does anyone know if that's 16'2" to the pavement or 16'2" to the lot.

Mr. Natali: No, that's the lot.

Mr. Rabbia: I neglected to measure from the corner to the ...

Mr. Chido: It's 16'2" from the new garage to the street.

Mr. Rabbia: To the actual asphalt itself?

Mr. Chido: Yes.

Mr. Rabbia: Is that what will be remaining?

Mr. Chido: Yes, at least that's what the architect put on the plan.

Mr. Stanton: When Gary and I went out to the site, I took notes while we were measuring. If everyone remembers the vents that are there. The addition would be about 7' off that vent and then you're looking at about 21' off the pavement itself. So the pavement is a little bit further in than the plan shows.

Mr. Rabbia: So if the plan gets approved he'll be how many feet from the asphalt?

Mr. Stanton: We were talking 21' right Gary (Natali)?

Mr. Natali: Yes.

Mr. Stanton: I am looking at my notes now. The existing structure, it looks like it has a room over the garage. Would you plan on enlarging that room also...over the addition?

Mr. Chido: I wasn't going to put the room over the...I mean there are going to be storage because of the trusses to carry out the same look but I wasn't planning on putting a room up there. It could be storage but I wasn't planning to use it. I was just going to take...if you look at the edge of the house, that window and move it to the outside to look uniform.

Mr. Snyder: So the area over the garage now...the current garage is storage. It's not a livable space?

Mr. Chido: It's a game room as well as storage. All the Christmas decorations are up there. I mean we've run out of closet space too.

Mr. Stanton: So you'll close that window off and there's no light...outside light to that room at all.

Mr. Chido: I can close it off.

Mr. Stanton: Well...no...you're going to have to aren't you because if you're going continue the line of the house out, you have to continue the roof peak, correct?

Mr. Chido: Correct with the trusses.

Mr. Stanton: So, you're going to include that regardless of what happens if you're not expanding the second floor over there.

Mr. Chido: Yes. I'd like to have the window on the end just to keep it uniform, I could close it out.

Mr. Rabbia: But the window wouldn't be doing anything, it would just be a window to storage based on what you are saying. Correct?

Mr. Chido: Yes.

Mr. Natali: Would you consider one car?

Mr. Chido: What would the width be if it's a one car?

Mr. Natali: I mean...a little bit smaller. My concern is that all three of these properties if you look at the closest point to the road, it's that line I drew, it's parallel to the road. I mean it's basically how a community is designed to be. Do you see from the tip of this house...?

[Mr. Chido goes up to the Board's desk to look at the plan Mr. Natali was referring to.]

Mr. Rabbia: If this gets approved as you have it laid out in your design, we have your commitment not to store a trailer in that open space. That would end up between the asphalt and the new garage. So, where you have your trailer today, you're not going to move it closer to the road?

Mr. Chido: No, there's some plumbing vents there too. We'd have a safety issue if we started doing that.

Mr. Rabbia: Okay.

Mr. Chido: To answer your question about the one bay, I could go down to fifteen foot wide as a compromise. I'd be willing to work with you.

Mr. Natali: Okay. I'll open up the public hearing.

Mr. Natali **opened the Public Hearing at 7:05 P.M.**

Mr. Natali: Is there anyone here who would speak for this variance? [no response]

Mr. Natali: Is there anyone here who would speak against this variance? [no response]

Mr. Natali **closed the Public Hearing at 7:05 P.M.**

Mr. Rabbia addresses the Five Factors:

Factor 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. Snyder No
Mr. Palladino Yes
Mr. Stanton Yes
Mr. Natali Yes

All agree.

Factor 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: Yes.**

All agree.

Factor 3 – Whether the requested Area Variance is substantial? **Answer: Yes.**

All agree.

Factor 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.**

All agree.

Factor 5 – Whether the difficulty was self-created? Answer: Yes.

All agree.

Mr. Natali: I'd like ask Mr. Chido did you receive a letter from the Planning Board of Onondaga County?

Mr. Stanton: I thought we gave him a copy last time.

Mr. Natali: The same letter we gave you last time? Okay, so we are going to need a majority plus one...a super majority.

Mr. Stanton: Just to clarify that, the County Board has come out against your application and that's why we would need the super majority or a majority plus one and that's why we didn't carry through with this at the last meeting because we only had three people present.

Mr. Rabbia: One more question, so you are agreeable to the 15'?

Mr. Chido: Yes, sir.

Mr. Rabbia: Okay. Chuck (Stanton) help me out on the dimension. I don't think because of the angle it becomes 19'2". I think it's around 20ish right?

Mr. Stanton: One second. I would be much more comfortable with 18'. It's closer to 18 than to 20' so that would be 16'2" from the actual property line to 18'.

Mr. Rabbia: We measured out 15' with garages and we think it's 18' from the front line. Did you want to show him?

Mr. Stanton: Yes, you can come up. If you go to 15' you're about right here so that gets you 18. It's closer.

Mr. Natali: It's better.

Mr. Stanton: It's closer. The corner of your existing house is here and your garage is there.

MOTION made by Mr. Rabbia, seconded by Mr. Snyder, on behalf of Frank Chido, 7511 W. Murray Drive, for an area variance where the proposed addition to the existing attached garage is a distance of 18' from the street line where a minimum of 30'0" is required.

Motion was put to a vote, resulting as follows:

Mr. Rabbia Yes to the Motion

Mr. Snyder Yes to the Motion

Mr. Palladino No to the Motion

Mr. Stanton No to the Motion – I have a lot on angst about this one, mostly because of the way the surrounding houses are located relative to this. I'm going to have to vote "no" to the motion.

Mr. Natali No to the Motion – I'd like to make a comment. As I displayed, the three properties are in alignment. We are talking about a pristine neighborhood. I know you need more space. That's what happens

when you live near the water and you have a family. I feel very strong about this so I am going to say “no” to the motion.

Motion denied.

**BETH WALLACE POWELL
8578 WHITING ROAD
AN AREA VARIANC WHERE THE PROPOSED NONRESIDENTIAL BUILDING ON AN
AGRICULTURAL ZONE LOT CONTAINS 1.54 ACRES OF AREA WHERE A MINIMUM OF 2.0
ACRES IS REQUIRED FOR NONRESIDENTIAL USE.**

Mr. Caruso: [Brian Caruso under contract to purchase this piece of property.] What I want to do is put up a 36’ x 48’ pole barn on a piece of property on 1.54 acres where 2.0 acres is necessary.

Mr. Natali: I’ve been out there and I couldn’t find the way in. Do you have some road started in there or a path?

Ms. Powell: There’s an existing driveway on South Bay Road. [Ms. Powell and Mr. Caruso approach the Board.]

Mr. Palladino: I think it’s where the sign is. There’s a real estate sign there.

Mr. Caruso: The real estate sign is here. There is an existing driveway here and I would like to plot the building here.

Mr. Stanton: I actually live right around the corner from there. What are we planning on storing here?

Mr. Caruso: My antique cars. My own personal cars. A ’54 Chevy and two ’49 Chevy trucks.

Mr. Stanton: Water, power, sewer?

Mr. Caruso: Power, yes...water and sewer, no.

Mr. Palladino: You going to work on them or store them?

Mr. Caruso: Two of them are already restored and one I’m gonna fix up a little bit. They are all in running condition.

Mr. Rabbia: So you work on the cars in this garage?

Mr. Caruso: I don’t, I don’t have the talent, other than keeping them polished...

Mr. Rabbia: So the garage is purely storage, no mechanical work.

Mr. Caruso: No...no. I’m not a mechanic.

Mr. Stanton: Just so I understand how the application process went. Mrs. Powell you own the property and you reside in Manlius.

Mr. Caruso: I live in Cicero.

Mr. Stanton: And you are purchasing the property? [speaking to Mr. Caruso]

Mr. Caruso: Pending....the approval.

Mr. Stanton: Okay.

Mr. Palladino: So these are your personal cars and you're not going to be leasing space, renting space, bartering space, giving space...or whatever.

Mr. Caruso: No, this is all me.

Mr. Stanton: No impromptu car shows or anything? I'm just trying to think of anything...on the property?

Mr. Rabbia: How big is the building 36' x 48'?

Mr. Caruso: 36' x 48'

Mr. Rabbia: That's big for three cars right?

Mr. Caruso: Well...I want to have enough room.

Mr. Rabbia: You could probably fit 30 cars in there.

Mr. Caruso: 30 cars? I'm not talking about kiddy cars, I'm talking about full-sized cars.

Mr. Snyder: Why do we care what the size of the building is? I mean it's...not a residential section. There's a house across the street, two houses on Whiting Road and a pole barn that we allowed to be constructed next to the farm land, next to Williams and there's a house with a big pole barn behind this property so to speak on Whiting Road...

Mr. Rabbia: That's not the reason that I'm asking. I'm trying to figure out what is going to go on inside the building. Is it mechanic work?

Mr. Snyder: No, he said that. He said he doesn't fix cars, he's a keeper of cars. He's a collector of cars but he's not a fixer of cars.

Mr. Rabbia: But you can fix three cars in 800 square feet not 1,700 square feet.

Mr. Snyder: Yeah.

Mr. Stanton: I'll just bring up that as we continually grant these variances for pole barns, I have seen case and case over and over again where they tend to for lack of a better word, congregate around each other and you wind up having a whole world of pole barns because someone saw that someone else was doing it and then that

gets granted; and you had a good point, it is in a somewhat of a residential neighborhood and is adjacent to project developments. [laugh from Mr. Snyder] I know it might be amusing but that's what it is.

Mr. Snyder: I mean the gentleman is standing before us because the land that he can buy is less than two acres. It is on a road that is owned by the County. There aren't a lot of residences around it. It's not like the Snowshoe Trail debacle. I don't understand why we would tell him that the size of the building is something that we would consider changing.

Mr. Rabbia: No one said he had to change the size of the building. We are just trying to find out what might be going on inside it, that's all...that's all.

Mr. Stanton: Because the planned use does have a bearing on what happens and this still has to go in front of the Planning Board is that correct?

Mr. Rabbia: Yes.

Mr. Natali: It seems to me that it slopes down quite a bit there.

Mr. Caruso: No, not at all.

Mr. Natali: From the road?

Mr. Caruso: No, it's relatively flat. If anything, it goes up from the road to the position I want to put the building.

Mr. Natali: hmmm okay.

Ms. Powell: Right here it's a little bit low right where you're talking about near the driveway. It's a little bit low right here. This whole area, if you were to walk this, this whole area is extremely level.

Mr. Natali: Right but it's lower than the road.

Ms. Powell: No like I said right there from the road there's actually a small culvert where the County dug it out a little bit but it's very minor and it's just in this section here. Where Brian has proposed to put the barn is here and it's actually much higher and if you look at a topo map is maybe ten feet would you say Brian back in the back there because my husband mows it and it's probably ten feet higher than the road. So, it's generally flat and the area where Brian's proposing is a bit higher but where you were talking about where the culvert is. It goes down just a little bit and then comes right back up again.

Mr. Natali: What kind of foundation are you going to put in there?

Mr. Caruso: It's a pole barn so...

Mr. Natali: Concrete? I mean is it going to sit up so you have drainage.

Mr. Caruso: I don't understand....what you're asking.

Mr. Natali: Is the building going to be...is it gravel. You're probably not going to do footers but is it gravel?

Mr. Caruso: Right, a gravel bed. A normal pole barn. A gravel bed, poles dug every eight feet....

Mr. Natali: I understand, I built one. I brought mine up so that there would be drainage.

Mr. Caruso: There will be no drainage problem there. Where I want to put this building is probably 100' from the road, it's in the back and the highest spot on the whole property.

Mr. Rabbia: Do you know if all the adjacent properties are all agricultural?

Mr. Caruso: I'd have to check, I don't know.

Mr. Palladino: I have a strong suspicion that they are. It says it on the survey.

Mr. Rabbia: I don't know if I have that one.

Ms. Powell: When you talk about agricultural are you talking about the zoning or the district?

Mr. Rabbia: Yes.

Mr. Snyder: The zoning.

Ms. Powell: Because those are different things.

Mr. Rabbia: Okay, I didn't have this one.

Mr. Rabbia: The answer is yes, all the adjacent properties are zoned agricultural.

Mr. Stanton: The zoning applies to this specific property, a district is a group of different properties.

Mr. Rabbia: I think this situation ends up being a little different than the one on Snowshoe.

Mr. Snyder: Yes, I agree.

Mr. Stanton: You've got multiple adjacent agricultural properties in an area that's primarily agricultural. Chuck (Stanton), I know you're a half a mile from this but that's my take on the area we are looking at right now. That's what's going through my head.

Mr. Natali: Any more questions, gentlemen?

Mr. Palladino: Did you say whether or not it was going to be cold storage?

Mr. Caruso: Yes, not insulated...I go to Florida from November until May so....

Mr. Palladino: But the cars won't have...so it's just going to be heated, you're not going to run heat traces in the floor or anything for the cars to keep them...

Mr. Caruso: No, they're Chevys not Rolls Royce's...

Mr. Palladino: I know that's why I asked because they are Chevys... [laughter]

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

Mr. Natali: Is there anyone here who would speak for this variance? Yes, please come up and state your name.

Ms. Conklin: Linda Conklin is my name and I live in the brown house across the street.

Mr. Natali: Then you owned the property before right?

Ms. Conklin: What property?

Mr. Natali: On the corner...no?

Ms. Conklin: I own property next to the corner.

Mr. Natali: Oh okay. I stand corrected.

Ms. Conklin: I have no objection. It seems like a good place for his pole barn.

Mr. Natali: Is there anyone here who would speak against this variance? [no response]

Mr. Natali **closed the Public Hearing at 7:30 P.M.**

Mr. Palladino addresses the Five Factors:

Factor 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's agricultural, it's a permitted use and it is surrounded by other agricultural properties.

All agree.

Factor 2 – Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an Area Variance. **Answer: No.** The only way would be if you could purchase additional land.

All agree.

Factor 3 – Whether the requested Area Variance is substantial? **Answer: Yes.** It's approximately 23%.

All agree.

Factor 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.** Granted it is a 1,728 sq. ft. building but it is sitting on a 1.54 acre parcel so, no.

Mr. Rabbia: Also, in my mind, it is in the center of other agricultural parcels as well.

Mr. Stanton: Yes. The one thing I would bring up is something we didn't mention which was we have a resolution from the Onondaga County Planning Board. We don't typically get into these and read them but I did note that the Onondaga County Department of Transportation seems to take exception to this project.

Ms. Caruso: Excuse me can I interrupt you?

Mr. Stanton: Can I just finish this first?

Ms. Caruso: There's been an update to that...just to let you know.

Mr. Stanton: Okay good thank you. The first would be that per the County DOT the proposed 12' driveway on South Bay does not meet department commercial standards. Now I can see that this is not commercial and maybe someone is reading that wrong. The applicant must contact the department. The plan must be modified to reflect all driveway requirements. The Board also has the following comment, per the RMA of the County Department of Transportation, the Town and the applicant is advised that the access to South Bay Road will be determined by the availability of site distance. The applicant is required to obtain a permit for any proposed driveways prior to the proposed work. Now, what is the update?

Mr. Caruso: I talked to Terry Morgan at the department there and explained to him...he was under the impression that I was building this as a business to rent out space and I told him no...it's for my own private, personal use and he said then you don't need a 24' wide driveway, the existing culvert pipe was sufficient. He also sending me an application for the \$15 permit for a siting or something. The property lines are marked for him and it's in the works. My conversation with him was on Thursday of last week.

Mr. Stanton: The other comment I would have goes to my colleagues comments regarding the previous pole barn which is that we cannot guarantee the future use of the structure. I have some concerns that once this project gets done, if it every gets sold again, that we may have some issues with the actual use. So, I would say that there is a "yes" on the impact.

Mr. Snyder: But the Planning Board can require just as they did on the one on Snowshoe that it is for private use only and the Planning Board, I would guess, would do the same thing for this applicant.

Mr. Stanton: I mean if we want to argue our individual opinions, that's fine.

Mr. Snyder: I mean we can cover that so it doesn't become commercial.

Mr. Natali: We have a private garage right around the corner on Whiting Road, probably 150' ... 200' that doesn't fit in at all. Originally, I had hoped it would be set way back because that property goes way back because that property goes all the way to South Bay from Whiting but I guess the neighbors wanted it closer to the road because they didn't want to look at it when they sat on their back porch. Again, because by putting it way back if there was some debris or another business, you know it would have been set way back. Where it is now, if someone turned it into something other than that and he has a trailer and I forget what it sitting next to it and I almost took a picture of it but each case is different and has to stand on its own merits. But that is a big concern in my eyes as to what happens going forward.

All agree.

Factor 5 – Whether the difficulty was self-created? Answer: Yes.

Factor 5 -All agreed.

MOTION made by Mr. Palladino, seconded by Mr. Snyder, that the Board approve Beth Wallace Powell's joint

application for 8578 Whiting Road, for an area variance for a proposed nonresidential building on an agricultural zone lot where the lot is 1.54 acres where a minimum of 2.0 acres are required for nonresidential use. The applicant and the new owner will comply with the Onondaga County Planning Board's recommendations.

Mr. Rabbia Yes to the Motion

Mr. Snyder Yes to the Motion

Mr. Palladino Yes to the Motion

Mr. Stanton No to the Motion

Mr. Natali No to the Motion - The variance is substantial 23%. You do have a long shot as an alternative which is to purchase some more land from the woman who owns the property adjacent to your land. For that reason, I'll say no to the motion. Motion carried 3 votes Yes and 2 votes No.

Motion duly carried.

MOTION AND VOTE WERE UNANIMOUSLY APPROVED TO ADJOURN THE MEETING AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD.

Respectfully submitted,
Ann Marie August, ZBA Recording Clerk