

SS:

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: APRIL 7, 2014
PLACE: CICERO TOWN HALL
TIME: 6:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday, April 7, 2014 at 6:00 P.M., at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039

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

Absent: None

Others Present:	Terry Kirwan, Esq.	Attorney, Kirwan Lawfirm
	Steve Procopio	Code Enforcement Officer
	Rita Wicks	Ad Hoc Member
	Allen French	
	Marilyn French	
	Robert Leach	
	Joanne Leach	
	Kathy Stowell	
	Tracy Cosilmon	Town Clerk
	Ann Marie August	Recording Clerk

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

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

Mr. Natale: Do we have any corrections or additions to the minutes of March 3, 2014?

Mr. Stanton: Mr. Chairman I had corrections but I wrote them out and handed them in beforehand.

Mr. Natale: Anything material?

Mr. Stanton: No

Motion by Mr. Natale to change the minutes: I have one correction it would be on page 6 at the top. It should read, "We just picked up another variance because your building is over 700 square feet. Now it's imperative that we come under 25% coverage." Do I have a second on the motion to change the minutes?

Mr. Palladino: Second

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

Mr. Natali: The Cicero Town Board acknowledges the importance of full participation in all public meetings and, therefore, urges all who wish to address those in attendance to utilize the microphones located in the front of the room.

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

Motion duly carried.

Mr. Natali: We have proof of posting for the item on tonight's agenda.

Motion was made by Mr. Natali, seconded by Mr. Stanton to approve the appointment of Ann Marie August as recording clerk.

Motion was put to a vote, resulting as follows:

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

Motion was duly carried.

ALAN D. FRENCH
6883C DELUXE PARKWAY

AREA VARIANCE TO CONSTRUCT A COVERED PORCH AND 24' X 38' GARAGE WITH CONNECTING BREEZEWAY TO A NONCONFORMING STRUCTURE. THE EXISTING STRUCTURE HAS A MINIMUM SIDEYARD SETBACK OF 4.7' WHERE 6' IS REQUIRED. THE PROPOSED PORCH HAS A MINIMUM SIDEYARD SETBACK OF 4.9' WHERE 6' IS REQUIRED.

Representatives: Alan & Marilyn French, Owners

Mr. French: Good evening Members of the Board. My name is Alan French. I am here with my wife, Marilyn. We live at 6883C Deluxe Park and we are here to request a variance for a nonconforming structure. The purpose of the variance would be to build a wraparound porch to this nonconforming structure. It is to be built with the intention to provide not only better access, a more effective and constructive entrance to the structure, but also to provide handicap access. This is something which we have thought about for a long time. We have considered this for many years. One of the concerns that I know you have is that the proposed wraparound porch is not setback 6' from the adjacent property line to the east. I understand that you have concerns about that. That's something we can talk about. The reason that I proposed to put it within 6' of the property line, namely about 4' 11" is because when I reviewed the elevations with the proposed wraparound porch setback the 6' required distance aesthetically it is not as appealing. I know that is probably not a major concern of yours but that was the rationale that I used for proposing it to be within that 6' setback. We can talk about that. We can talk about the rationale for proposing this wraparound porch if you wish. I would just say that in years past there has been no functional front entrance to that house. There's been no garage attached to that house. So back in 2001, I approached Jay Seitz and he and I came up with a plan to allow for that west expansion to the 6883 structure, and not interfere, or not conflict, with the requirements for setbacks from either the adjacent property line on the west or the adjacent structure which is 6881C. He and I came up with a plan which was to relocate the lot line which was done. Unfortunately the County Tax Department didn't pick up on that and that's something that I have spoken about with Steve Procopio here and we are amending or correcting the record at the County Tax Office in order to reflect the relocated lot line. Now in relocating that lot line, one of the things that we did is we increased the lot area from .22 acres to .33 acres thus allowing us the necessary coverage for the proposed garage and west and south wraparound porch. Now again I have to stress is that the reason for going west with this property line...with this lot line rather...is so that we can gain functional access to this structure. I have looked at many different designs through the years and I haven't come up with anything better because we are limited by the 25' width of the structure, the narrowness of the lot in general, and we did the best that we could and stay within the ordinance guidelines with regard to setbacks. We now have 23' between the two existing structures. We have after construction of the west side portion of the wraparound covered deck, we will have 15' separation between the covered deck and the adjacent structure. I believe this is consistent with what the Cicero ordinance requires. I have spoken with Steve Procopio numerous times about that and I think he will concur. Our intention throughout this process has been to comply with all of the guidelines that we were given and unfortunately the time duration that this has extended into has not allowed us to keep pace with the change of the ordinance which now classifies our structure as nonconforming and therefore we are here tonight.

Mr. Stanton: Mr. Chairman before we get started I wanted to point out that we have a resolution from the Onondaga County Planning Board. (Speaking to Mr. French) Did you get a copy of that?

Mr. French: I did.

Mr. Stanton: When you get through all the whys and wherefores the resolutions are threefold:

1. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
2. The Town is advised to ensure appropriate access agreements are included with the filed deeds, outlining maintenance and responsibility for the shared drive.
3. The Board recommends that the Town review and ensure emergency vehicle access with the local Fire Department before granting this area variance request.

All three of those are out of our purview and I'm assuming your handling the...

Mr. Procopio: As far as the shared driveway, it's been a long standing right of way or access for several property owners. If you have that information maybe you can provide that to us as far as the maintenance.

Mr. French: I do have that. I don't have it with me tonight.

Mr. Procopio: The fire apparatus access road, I can tell you that obviously Deluxe Park is the fire apparatus access. This building if it exceeds 300' from that road, you need a driveway at least 12' wide. I believe that driveway serves that purpose.

Mr. Stanton: As far as the flooding is concerned, I believe we are far above what the flood elevation is in that area.

Mr. Procopio: Yes

Mr. Snyder: Is the house 300' from the road.

Mr. Procopio: I would have to.....the house itself might not be 300' from the street...

Mr. Snyder: I mean if it is you need a 12' driveway to the house because I barely backed my truck out of that driveway today.

Mr. French: It's 261.75' to the north line of Deluxe Park Drive so it's not 300', you're right. This is according to my survey. You should have a copy of that. The house is another 90' so 351.75' to the house.

[Board discussion.]

Mr. Snyder: On the survey it shows that we are 261.75' to the north line of Deluxe Parkway. That's the corner of your property and then you start adding your property to get to your residence.

Mr. French: It's another 90' and change.

Mr. Snyder: It's beyond 300'.

Mr. Procopio: Well you could also look at the proposed garage...and then we're just under.

Mr. Stanton: At the mouth it scales out to 14'.

Mr. Palladino: Right where it constricts down, is that what you're saying?

Mr. Snyder: Well the driveway that goes past the first house as you drive off the Parkway is really close. It can't be much over 8'. I mean obviously if a fire truck had to get there, they'd drive down the lawn or whatever is there.

Mr. Stanton: Now you said you'd be a little bit flexible on the wraparound porch. I shared with you some of the objections to the proposed additions. One thing that we need to look at is providing the minimum variance required to be able to do what you are proposing. One of the things with the wraparound porch is that keeping even partially in line with that eastern side of your house, you can make a case that you are expanding a nonconformity which is the side setback. That's specifically prohibited in the code. I would ask if you would consider moving that to a 6' offset.

Mr. French: I would consider that yes.

Mr. Stanton: That would remove the need for the variance on that side. Then as I was looking at it, you show a breezeway of about 20' in length. If we were to reduce that to 17' basically, you lose 3.05' in the length of the breezeway, that would get your garage to front setback to 30' which would then remove another variance that you're asking for but still give you the same size garage, the three stalls that you're looking for. That would leave us with seeing as the lot area is .33 acres and is well over what we would look for in an R-10 district. We would only have two remaining variances. One would be the total setback on the house and the proposed deck which would be 14' where 15' is required which at least in my mind is not a lot. Then we would also be looking at a building line variance and if I look at the code, and Mr. Chairman this is a little bit different from how we typically view it, but if you look at the definition of a building line. It's a line parallel to the front lot line tangent to that point in the building space which is closest to the front lot line. This space includes porches whether enclosed or not enclosed but does not include steps. So in my reading of that, the actual place where we measure the building line would be at the front face of the garage. Which is approximately 53' where 75' is required. I think in doing so we can get you down to two variances and I'd ask you to consider that.

Mr. French: Certainly.

Mr. Rabbia: Chuck you mentioned 14, where's the 14, I'm missing that.

Mr. Stanton: You have a roughly 4.7' or 5' offset for side yard on the east side of the house and then the proposed deck is 7.83' which gives you about 9' left.

Mr. Rabbia: Okay I was going to the other structure. I was going 15 to the structure. Sorry.

Mr. Procopio: Mr. Stanton can I just make one comment about the required front yard. If you look at the definition for the required front yard, that distance is from a streetlight, a public streetlight. This does not qualify so I'm not sure. I understand that you want me to move it back and I would agree with that but I don't know

what would be required to have a variance for the 27'.

Mr. Stanton: So this, just for clarity, this lot has no front yard.

Mr. Procopio: It's a side yard.

[Board discussion]

Mr. French: Are you speaking about the distance between the completed west expansion...

Mr. Stanton: I'm sorry it's in addition to the 6' side yard setback, we have the total setback on both side yards which has to equal at least 15' and it would be 14' with this. Which as I said, I think that's the least of what you're asking for in this.

Mr. French: In fact, what I tried to do to mitigate that situation is that I reduced the width of the deck on that side a couple of inches in order to get the 15'. I think we are in excess of 14', I think we are 14' and 10" or thereabouts according to my calculations. So we are only lacking 2" or 3" I think from conformity on that side.

Mr. Rabbia: Are you willing to adjust the width so we don't have to have that variance?

Mr. French: I can do that.

Mr. Stanton: Just to be clear, in light of the no front yard, I am going to remove my suggestion to reduce the breezeway and change the location of the garage.

Mr. French: Thank you.

Mr. Rabbia: So really if the applicant's flexible with the width of the deck on the left side and flexible with how much over the deck goes in the front of the house, we are only left with the nonconforming 4.7' right?

Mr. Stanton: Just the building line now. Which would be new because it would be measured to the front face of the garage rather than the house. So just the building line and yes we wanted to cover the 4.7' if we could.

Mr. Natali: What is the distance from your home to the building line on the west side?

Mr. French: The home to the building line distance. I think it's covered in the enlargement. The existing structure to the building line is 17'-- actually 16' 11" and 15/16ths -- so we are 1/16th of an inch shy of the 17'.

Mr. Natali: So we could pick up the 9' there then. Okay good. You got your breezeway back.

[Board discussion]

Mr. Natali: Does that look alright for you now? Do you want us to summarize? We are down to two variances.

Mr. Stanton: Okay we are down to two variances as far as I can tell. One is on the corner of the existing structure which is 4.7' where 6 is required. And the other one is the building line at the front face of the proposed garage where there is 53' where 75' is required. All other bulk regulations have been met. We have the 6' setback on the deck and then a total of 15' on the house plus the deck.

Mrs. French: Question. When you were talking about the proposed deck on the west side. On this diagram here that I am looking at, we have it at 7.83', are we leaving that.

Mr. Natali: That's going to be cut back.

Mrs. French: How much are we going to cut that back?

Mr. Natali: Well we're just going to say no closer than 10'.

Mr. Stanton: We're going to say no closer than 10' which gives you the latitude to make it what you want rather than our telling you that it needs to be 6' 10" or whatever.

Mr. Natali: Is that agreeable at this point?

Mr. French: Yes

Mr. Natali: Any other questions from the Board?

[There were none.]

Mr. Natali **opened the Public Hearing at 6:25 P.M.**

FOR: NONE

AGAINST: Robert Leach (for himself, Joanne Leach/wife and Kathy Stowell/sister in law and joint owner) of the property at 6883B Deluxe Parkway

Mr. Leach: I want to start this by saying to the Frenchs that this is not done with any malice but I truly feel strongly about this and so do the rest of us. I am going to read a letter that I am sure you are all aware of because I sent it on to you before.

Mr. Natali: Yes, we all have it.

Mr. Leach: Is it necessary...would you like me to go over it again.

Mr. Natali: For the record, please.

Mr. Leach: Okay. [Mr. Leach reads the letter for the record.]

We as owners of property contiguous to the above referenced property are opposed to the granting of any variances to build a porch, breezeway and garage for the following reasons:

1. A variance of any kind will compromise the basic tenets of our code – as proposed this construction will create more congestion in an area that is already very congested. The single family homes on 6885 and 6883C Deluxe Parkway stand approximately 15' apart – far less than current code allows, but they were built long before any codes were adopted in the Town of Cicero. They in and of themselves are fire hazards. If a fire started in one, it would quickly spread to the other. Now, when you add other buildings, it only increases those hazards. Added to that is a 6-1/2' solid wood fence which makes it

- even worse. There are reasons for codes specifying minimum distances between structures and it is believed this is one of them.
2. There has been a precedent set on restricting building new structures or adding to current structures in our neighborhood.
 - a) 6887 Deluxe Park with a lot size of 68' x 405' was denied a variance for a garage as the area was too congested.
 - b) 6891 Deluxe Park with a lot size of 50' x 383' was denied a shed because the area is too congested.
 - c) 6883B Deluxe Park had a two bedroom cottage several years ago. The building was removed to have more green space and to alleviate congestion in the neighborhood.
 - d) 6883C and 6881 Deluxe Park were purchased by the current owner in 1996 and the 6881 property then had and still does have a three-car garage as part of the original purchase.
 3. The property at 6883C has been unfinished for at least 12 years. Tyvek has been used for the siding on the south side of the house. There are three trailers that sit exposed on the property, a 20' black trailer, a 10' white trailer and an old wooden trailer. Along with that is a very old auto with out-of-state license plates that has been sitting there for months.

These properties were built many years ago with no regard to the future of Cicero and Oneida Lake. In trying to preserve the area, the property lots are not large enough to support the porch, breezeway and garage as requested in the property owner's application. The lot size of Mr. French's property is approximately .22 acres and now has a large home on it but does not have the appropriate space to accommodate anything additional. 6881 A, B and C along with 6883 A, B and C were built many years ago by Irving Ratnour. When he sold them, we as buyers knew what they were at the time of purchase. The area was completely overbuilt because there was no zoning laws at that time. It is hoped that fifty years later, with new zoning laws in place, we do a better job of creating better neighborhoods. Because it is felt that the proposed building will have a decided effect on the market value of our homes, we respectfully request that any variances be denied.

Mr. Natali: Did we find these variances that were supposed to be denied.

Mr. Procopio: No, I believe you asked Heidi (LaLone) in the office to look for them.

Mr. Natali: Yes, we have no record of any variances.

Mr. Leach: This was back a long time ago.

Mr. Natali: Okay thank you sir. You have an opportunity, Mr. and Mrs. French, to challenge anything that was stated.

Mr. French: First of all, I would just like to say that I have a great deal of respect for my neighbors. It saddens me that they are not supportive of this proposed construction of ours because in the past we have supported their expansions and we have supported their work on their property and we continue to expect the same in return. I would like to say more specifically that with regard to 6887 and Tom Fallon. I don't know where that information comes from. Mr. Fallon told me that he, personally, has never applied for a variance for a garage or anything of the kind. The statement with regard to 6891 Deluxe Park says that it was denied a shed. Well 6891 has a shed and a garage. Both of these properties in question have garages. All three signatories of this letter, have garages. I fail to see how garages have compounded the mobility of emergency vehicles or added to the congestion of their property. I doubt very much that it would add to the congestion of my property but that's for you to decide. With regard to 6883B a property formerly owned, or still owned actually, by the signatories of this letter was in such condition, I was told at the time it was demolished, that it was unstable and it was

impractical for them to reconstruct it under the conditions that they found it in. That's what I was told. Yes, it is true that the property we purchased in 1996 has a three-stall garage which serves our adjacent property which is 6881C. It does not serve the residence that we live in which is 6883C. Our residence has no garage, never has had one. And that's the purpose of this planned expansion so that we can not only reduce some of the obstructions in the driveway, namely, the trailers which my good neighbors have complained about, by introducing space for those vehicles which by the way one of which is my son's car. He is up from Georgia attending school at Oswego. He did ask and we granted him permission to leave his car there for the winter. So, it is there. With regard to the duration of the time it's taken from start to finish on this project. I have no good excuse except for the fact that I have been battling cancer for several years past and we have just recently received word that one of our children has been diagnosed with a debilitating illness and possibly fatal. Thereby necessitating the request for a wheelchair accessible entrance to this house. That in and of itself is not the entire reason for this. We would like to complete this project in a timely fashion. We have contractors lined up to do just that and that is our intention. To sum up. I would say that I believe this request for a variance is consistent with the character of the neighborhood and I believe it is consistent with the spirit of the Town of Cicero ordinance.

Mr. Natali: I was basically looking for anything specific that you want to challenge him on. I see the lot size is not correct either. It is not .22, it is .33. Thank you folks.

Mr. Palladino: Since we have read the letter and this letter has been brought into this meeting, I think maybe we better talk about the technical aspects of it. In paragraph one Mr. Leach made a statement that between the properties is "approximately 15' apart, far less than the current code." That's inaccurate, the current code is 12', a 6' minimum on each side so that would be a total of 12'.

Mr. Stanton: Steve (Mr. Procopio), there's nothing else that requires a larger separation based on fire codes or anything else?

Mr. Procopio: In the current residential code, the minimum distance from the lot line is 5' for a structure, so that would create essentially 10' between structures on different parcels.

Mr. Natale: Any other comments about the letter?

Mr. Stanton: In fact if the fence is indeed 6-1/2' tall, that's something that the code's office will address. I am sure Steve (Mr. Procopio) or someone else will be out there during the construction and the fence will be looked at. One thing about precedent, we have been very clear throughout my tenure here that we have to look at each case as an individual case. So as far as precedent is concerned, whether or not previous variances were approved or denied really shouldn't apply in this case. I did also want to point out that the 3-car garage that's noted in paragraph 2d is on a separate property. The fact that it is owned by the same person really shouldn't matter. In this case since that is a saleable property as far as I know. At any time the applicant could sell that and he would not have the use of that garage. A question on the car though, which has Georgia plates. I'm not a car person so I don't know if it's in good condition or not but it has a registration, it has insurance or whatever Georgia requires.

Mr. French: It is currently licensed, registered and insured – yes.

Mr. Natali: We are getting out of our realm gentlemen. At this point I'd like to close the....okay is this something new Mr. Leach that you're going to add? We have given everyone an opportunity to speak in nebulous areas.

Mr. Leach: I know you have but one thing that Mr. French mentioned – I know that Marilyn (Mrs. French) contacted Dr. Fallon. Dr. Fallon was not the owner of the property when this variance was turned down. John Vincent was.

Mr. Natali closed the Public Hearing at 6:39 P.M.

Mr Natali: Any other comments or questions from the Board? Yes counselor?

Mr. Kirwan: I know you've never done this before but for purposes of legal advice and counsel, I might suggest that we go into an executive session so that I can discuss matters involving the interpretation of our existing code. Not for the purpose of taking action or discussing action but just for legal advice relative to the existing code.

Motion was made by Mr. Natali seconded by Mr. Stanton that the board go into executive session.

Mr. Stanton: I'd like to make a suggestion that we just leave all our materials here so it cannot be construed that we are talking about this matter.

All agreed.

Executive Session Convened 6:40 P.M.

Motion was made by Mr. Natali seconded by Mr. Stanton to reconvene from the executive session.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

Zoning Board of Appeals Meeting Reconvened at 6:58 P.M.

Mr. Kirwan: Just for the record, in your motion, I wanted to add that there was no discussion of what transpired here in the open meeting.

Motion was made by Mr. Natali seconded by Mr. Palladino to include in the record of the motion for

this Variance that what was discussed in the executive session was not this particular case. It was a paragraph within the code that we wanted clarification on.

Motion was put to a vote as follows:

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

Motion duly carried.

Motion made by Mr. Stanton on behalf of Alan D. French of 6883C Deluxe Parkway, Cicero, NY. In the process of doing so, I would like to have an open discussion on the five factors. My opinion here is that we have two applicable sections of the Town Zoning Code. The first is 210-16 B which is Bulk Regulations in an R10 District and the second one would be 210-25 B, Limitations on Non-Conforming Uses and Structures.

Mr. Kirwan: I am not sure you want to but perhaps narrow that down to 210-25 B3 because that is the specific clause, not to confuse anyone, but that's the specific clause that is at issue, unless you disagree.

Mr. Stanon: I agree, I mentioned it myself. Section 210-25 B3 which is No Nonconforming Building Structure Shall be Enlarged, Expanded, or Increased.

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. In consideration of that, the applicant has gone through or has been willing to reduce some of the proposed impacts of his construction. Namely, going to a 6' offset on the new proposed deck and a 15' total setback on the deck plus the existing structure. When I look at the residences in the area, I see this as fitting relatively well with it. I would be remiss if I didn't note that this is going to cover up, what was a complaint, which is the tyvek that is currently around the structure.

Mr. Rabbia: I think, when you start considering, in my mind, there is no impact on the neighborhood in terms of traffic. I mean this is basically a garage.

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. As discussed, the opportunity exists to alter the proposed construction and it has in fact been altered such that we only need two variances, well three variances if you include the 210-25 B3 which would be the building line, the side yard setback on the existing structure and the limitations on nonconforming uses and structures as far as expanding a nonconformity.

Mr. Kirwan: I think you said not to alter the “nonconformity” which is a term we often use but is not a term which is in our code so I think the nonconforming structure is what you meant to say.

Mr. Stanton: Right, the No Nonconforming Building Structure Shall be Enlarged, Expanded, or Increased.

All agree.

Factor 3 – Whether the requested Area Variance is substantial? Answer: No. The requested Variance on the east side yard setback is 18% of the of the required six feet. The requested Variance on the minimum building line is approximately 29% of the required 75' and, again, I have to note that the applicant has altered his proposal

to try and minimize those.

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** but there will be some conditions that I propose on the end of this. My feeling here is that the proposed modifications to the existing structure will be largely consistent with other residences in the area. As far as the concerns regarding drainage, fire access, and the other issues that the County brought up; obviously those have to be addressed and if they can be addressed, I still believe the answer to this is no.

All agree.

Factor 5 – Whether the difficulty was self created? **Answer: Yes.** This is one we always wrestle with. My answer to that usually is, and is in this case, yes. The applicant is choosing to modify this structure which is why he is coming before us for a Variance right now. It has to be noted that this is not solely a reason to deny the Variance.

Mr. Natale: Would you like to sum up the actual variances?

Mr. Stanton: Yes. The Variance for 6883-C Deluxe Parkway would be to allow the construction of a proposed garage, breezeway and covered deck which would be connected to an existing nonconforming structure. The existing nonconforming structure has a minimum side yard setback of 4.7' where 6' is required. The proposed garage or the building line will be approximately 53' where 75' is required. All remaining bulk requirements will be met on the new structure. That would be with the conditions as set forth by the County in their letter dated April 3, 2014. Basically, no negative effect to drainage patterns, that we ensure appropriate access agreements and that emergency vehicle access is provided.

Mr. Kirwan: Can I just elaborate on that? Just so I understand what is being put in the record. The applicant will have to satisfy the Codes Office that there is no negative consequences associated with drainage.

Mr. Stanton: That's correct.

Mr. Kirwan: The second one is, since the applicant, as I understand it, owns 6883C and the house to the west 6881C so that the applicant is in a position to provide to the Code Office a shared driveway agreement or an easement agreement in the event that in the future one or both of those properties are sold to someone else. The applicant's attorney, Joe Callahan, is fully capable of doing this on behalf of the applicant but you are making this a condition that the signed access agreement or shared driveway agreement is provided to the Code Office before this is granted.

Mr. Stanton: Correct

Mr. Natale: So your motion is to approve as stated?

Mr. Stanton: As stated.

Mr. Rabbia: Are you going to 210-25 B3 portion. You specified three Variances earlier.

Mr. Stanton: Yes, amending the actual Variance statement. The third Variance, in addition to the existing side yard and the building line would be to provide a Variance on 210-25 B3 which states that no nonconforming building structure use shall be enlarged, expanded or increased.

Motion was made by Mr. Stanton, seconded by Mr. Snyder, to approve the Area Variance as stated.

Motion was put to a vote

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

Motion was duly carried.

Motion and vote was unanimously approved to adjourn the meeting at 7:10 P.M., as there was no further business before the Board.

Respectfully submitted,
Ann Marie August, ZBA Recording Clerk