

SS:

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: August 4, 2014
PLACE: CICERO TOWN HALL
TIME: 6:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday, August 4, 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
	Mark Rabbia:	Board Member
Absent:	Donald Snyder:	Board Member
Others Present:	Terry Kirwan, Esq.	Attorney, Kirwan Law firm
	Richard Hooper	Director of 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 the fire exits and requested that pagers and cell phones be silenced. He then asked everyone to stand for the Pledge of Allegiance.

Motion by Mr. Rabbia to approve the minutes of July 7, 2014.

Mr. Palladino: Second

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

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

LINDA ESSIG
7321-7325 THOMPSON ROAD AND 6083 EAST TAFT ROAD

AN AREA VARIANCE TO SUBDIVIDE TWO EXISTING PARCELS CREATING A THIRD PARCEL WHERE THE MINIMUM LOT DEPTH REQUIRED IS 200 FEET AND 123.1 FEET IS REQUESTED AND THE SIDE YARD SETBACK REQUIRED IS 15 FEET AND 13.5 FEET IS REQUESTED.

Representatives: Tim Coyer, Ianuzi & Romans, Surveyors
Hal Romans, Ianuzi & Romans, Surveyors

Mr. Coyer from Ianuzi & Romans distributed revised maps on which one of the distances had been changed to the Board for review. [Board reviewed revised maps]

Mr. Coyer: As I stated, I am Tim Coyer from Ianuzi and Romans land surveyors and we are here to present this variance map for possible subdivision. The properties are located at the corner of West Taft Road.... I'm sorry East Taft Road and Thompson Road. The overall total acreage of both parcels is 1.159 acres. What we have here are two existing tax parcels that they are possibly trying to subdivide into three. As a result of that we have a couple of variances that would have to be granted for us to move forward with this. As you can see on your plans, we have Lot 100 that is located at the actual corner of the two intersecting streets that is about .3 (three-tenths) of an acre. It's got two existing buildings on it as it is. The new boundary line would be going up between building number 7323 and 7325. Now one of the variances we are asking for is the 13.5 for Lot 101 due to the storage structure that is on the south side of that building 7325. The required measurement would be 15 (fifteen) feet. Now, when we create Lot 100, the one issue is the lot depth for that lot because the address is to Thompson Road. Right now it is existing at 123.1. The requirement is 200 and that is a substantial amount but as I said, it is existing as it is right now. The other Lot 102 is the existing house at 6083. The reason that it is getting carved out is that as you can see there is a chain link fence that is being used by the building located at 7325 and they want to continue using that chained in area, so that's why they are dividing that parcel off like we show. As you can see from 102, by doing that, it's creating a minimum lot depth of 154.9 rather than the 200 that's required.

Mr. Rabbia: Where is the 154.9? I am missing that last dimension you gave.

Mr. Coyer: That last dimension on 102? You can see at the top of the page, 154.9 for the lot depth. The lot depth is the distance perpendicular from the road boundary to the back of the property.

Mr. Rabbia: I see it. I was fixated on the 157.

Mr. Coyer: Right, but the way the definition reads it would have to be the 154.9 due to that is supposed to be perpendicular to the road boundary and that's why we listed it that way. The reason we are doing all this is because some of the current clients want to purchase the buildings that they are in right now. The current tenant in 7325 wants to purchase that parcel and that's why we want to include the chain link fence area in the back with that parcel. The tenants that are in 7323 and 7321 want to continue to stay there and purchase that parcel. I believe that the parcel on 6083 right now is rented and will continue that way. All these buildings have existing utilities, no proposed additions to anything at this time. They would continue to use the utilities as is. I would like to go through the five questions briefly.

Mr. Rabbia: Hold on one second. Lot 101, I don't understand the boundary for Lot 101. Does it go from Thompson Road back to about where the shed is, right?

Mr. Coyer: Correct.

Mr. Rabbia: Back towards the north.

Mr. Coyer: Correct.

Mr. Rabbia: Does it follow the chain link fence all the way to the far extent of the property?

Mr. Coyer: Yes.

Mr. Rabbia: Okay, so then you have the 123.1 required of the 200.

Mr. Coyer: I understand that because the location of that actual dimension is confusing because I couldn't fit it on the actual Lot 100 that we are asking for because it is so cluttered. So I just moved that distance over.

Mr. Rabbia: Oh, this is for Lot 100.

Mr. Coyer: Correct.

Mr. Rabbia: I see what you did was put the dimension line for Lot 101 over here.

Mr. Coyer: Correct. I just couldn't fit it and make it look proper with all the dimensions required.

Mr. Rabbia: Okay.

Mr. Natali: Now the chain link fence is not actually on the boundary line.

Mr. Coyer: No.

Mr. Natali: It's in good condition, right?

Mr. Coyer: Yeah, they just want to keep it as is. They don't want to change anything.

Mr. Natali: Alright, now is the framed house going to come down?

Mr. Coyer: No. Not at this time.

Mr. Romans: They actually have an older person who is still renting it. I think that that person wants to stay there. I am Hal Romans by the way. When that person leaves, I don't know if they are going to sell it. They've asked this person if they want to buy it and they haven't expressed interest.

Mr. Stanton: Terry (Kirwan, Atty. for Town of Cicero), can I ask you a question. We have what's basically nonconforming use on these two lots right now which is the residential aspect of it. You can have a residence but it can only be attached to the business in the general commercial so right now we have two stand alones. What they are asking is to subdivide and create two new nonconforming use parcels, am I reading that correctly.

Mr. Kirwan: I think you're right.

Mr. Romans: Well the house on 6083 is on one of the tax parcels now. The other one that you see is the house 7323 and that's on the other tax parcel. So it's not creating another non-conforming use on another parcel. There are only two parcels that have that now.

Mr. Stanton: Right that have an existing but you are essentially creating a new parcel out of that.

Mr. Romans: We are actually creating a new parcel out of the masonry. wood-frame building 7325 which is proposed commercial. So, we are really creating that one commercial lot out of the tax parcel....there is one tax parcel comprised of Lot 100 and 101. So really it's breaking off that commercial lot. The 7325 building is because that tenant uses that property and has been using the rear of the frame house 6083. Because it's fenced in and he uses that portion of that property.

Mr. Natali: Okay, the lot as it stands 100 and 101 is a nonconforming lot.

Mr. Romans: Correct.

Mr. Natali: Your subdividing it and still creating a non-conforming lot by having the house there. Now, if the house were to be taken down.

Mr. Romans: Or if it's used as part of the commercial...

Mr. Natali: I mean it needs work. It doesn't look like there is anybody living there.

Mr. Romans: I'll be the first to admit that the Nolte family LLC was set up when Lin Essex parents passed away and had these two tax parcels and this LLC was set up to lease out these two tax parcels over the years. Part of the reason the tenants want to buy the properties is that they want to do some upgrades and clean things up and for what the Nolte family was leasing them out at, they didn't really have the monies to put into it given what the tenants were paying and this is a way for the tenants to take over, make the necessary improvements, cosmetically to the place. If the frame house ends up coming down or it is not used. I don't know if it is used at this time.

Mr. Rabbia: So they are going to turn around and sell, once they get these parcels subdivided, they are going to turn around and sell these parcels out?

Mr. Romans: What it is ... is there's a tenant in 7321 which occupies the 7321 building and it's parking area and had occupied the house in shape or form. I don't know what they were doing if they were storing stuff and there's a separate tenant in the 7325 building. What it was is the 7325 tenant came to him first and said I want to do some upgrades but I'm not going to do upgrades on property I lease, I want to own it. So they talked about breaking that off and then the other one said, well, if he's going to do that and make some upgrades, I will do the same thing but I want to own it also. Neither one wanted to own the 6083 house that's leased out because basically they have someone in there paying minimal rent because of where it is and everything and is an older person. They have not expressed interest in buying it yet so what we were doing was taking the two tax parcels and separating them as best we could into three lots.

Mr. Rabbia: So they want to sell the future 100, the future 101 and keep the 102.

Mr. Romans: Keep the 102 or sell it to this person.

Mr. Rabbia: Yeah, but right now the initial desire is to sell the 100 and the 101.

Mr. Romans: Yes, 100 and 101, those tenants want to buy immediately. They wanted to buy awhile ago and I told him that it's existing nonconforming. You can look at some of the side yard, the front yard set backs on the existing buildings. There's existing nonconformities and you're going to need at least the three variances that we talked about and then you go in front of the board and they might say well you've got to clean up everything. Because if you look at it, the existing tax parcel that includes the frame house doesn't meet the 100' width. The house is only 4.1 feet off of the....

Mr. Rabbia: Yeah, there's a million problems.

Mr. Romans: There's a million problems. The one thing the two tenants said is that they weren't looking to expand the buildings. They were looking to improve the buildings as they are now. Because I told them that realistically, you're not going to be able to expand anything. The one building at the corner there 7321 sits wholly in front of the building line. These are old buildings that have been there and basically the Nolte family LLC, it's Linda Essex's maiden name and it's got to the point where the LLC is her and her sister.

Mr. Natali: They want to rent the house for a residence right? That is the plan now?

Mr. Romans: Well it is now, they don't want to keep....

Mr. Natali: Well, that's the issue, Hal (Romans), that's the issue.

Mr. Rabbia: Which house Gary (Natali), the 6083 or the 7323? Which one?

Mr. Natali: The 7323 which basically needs quite a bit of work.

Mr. Romans: So you want to make sure there is no residence in 7323?

Mr. Natali: Yes.

Mr. Rabbia: To make sure I'm clear, they don't want to rent 7323, they want to sell the two buildings that are each on Lot 100.

Mr. Romans: Those two buildings would go to the tenant that is in 7321.

Mr. Rabbia: The Lot 102 here, the future Lot 102, house number 6083 on Taft Road. That's the one they are going to keep and rent out.

Mr. Romans: That's the one that has an older person living there.

Mr. Natali: I don't have a problem with 102, my only problem is with 100 with the house there.

Mr. Romans: Well, ummm, I could get something from the client that would say that that building would not be used as a residence. It doesn't mean that it might not be used for storage. You know fixed up and used for storage or used for part of the commercial operation.

Mr. Stanton: Well we can't really speculate as to the intent. I mean it appears to be a residence right now.

Mr. Rabbia: It's definitely a house.

Mr. Romans: Well, it looks like a house, so we call it a house.

Mr. Palladino: That isn't what the flooring store worked on is it?

Mr. Romans: I don't know the history of what was worked on and I know we are not going to have a vote this meeting so are there any questions that we can find out answers to.

Mr. Natlai: Okay you were going to go through the factors.

Mr. Romans: I kind of go through them and see what I think but in looking at it, the one on **whether the area variance is substantial**. The one on the Lot 100, that's about a 76 foot reduction which is about a 38% reduction in what is required. On the side yard, 15' is required, we are asking for 13.5' which is about a foot and a half less or a 10% reduction; and on Lot 102 we are asking for 154.9' versus 200'. That's about a 45' reduction or 23%. So I think that those are somewhat substantial but it's existing conditions that have been like that for probably 40 or 50 years now if not longer and it's not going to change. **YES**

Mr. Romans: **Whether an undesirable change will be produced in the neighborhood**. Neither tenant proposes any additions or anything like that. It's basically use the footprints and upgrade them in place. Obviously, they are talking probably about doing eventually new siding and everything else. There is no curb cut for the commercial buildings on Taft Road everything comes out on Thompson Road. That was really done when the county went through and rebuilt Taft Road. **NO**

Mr. Romans: **Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an Area Variance**. The only other method would be if she could get one of the other two tenants to buy basically all of the Lot 100 and 101 and what it is is that neither tenant wants to own the whole thing. They operate fine out of the amount of space that they have. No one has come forward off the street to say they want to buy the whole property as is at this point. They are merely reacting to the tenants that

have been with them for awhile that want these properties here.

Mr. Romans: **Whether it is self created.** It is. When we were in front of the Planning Board for their concerns. The only concern that really came out of the Planning Board for a subdivision is they would like to have us locate an existing drainage way that's on the north side of the property. That's probably why that fence line doesn't go all the way to the property line. They would like us to get the Town a drainage easement there. Locate that and get a drainage easement. **YES**

Mr. Romans: **Whether it would have an adverse effect on nearby physical or environmental conditions?** I personally don't think so. I think if anything with these two being under individual ownership, you're going to see the properties improve. The Nolte family LLC was really something that was set up when the parents passed away and they really shouldn't be in the business of leasing properties. It ended up being two sisters that kinda got stuck with the estate. That's just my take on this. **NO**

Mr. Natali: Any other questions?

Mr. Natali **opened the Public Hearing was opened at 6:20 PM**

FOR: NONE

AGAINST: NONE

Mr. Natali **closed the Public Hearing at 6:20 PM**

Mr. Stanton: Mr. Chairman since we don't have the County Planning Board Decision on this I would make a motion that we adjourn this to our next meeting.

Mr. Natali: I second that.

Mr. Natali: Please call the roll.

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

Motion was duly carried.

Mr. Natali: Would you in the meantime entertain with your client what the plans are for the house and to be a little more specific.

Mr. Romans: Oh yes and if the fear of that existing house on Thompson Road being used as residential is at issue, I can tell them that it is in their best interest to do something on the deed like a covenant that says that it has to be used commercially.

Mr. Natali: All right. See you next month. Thank you.

Mr. Romans: So, the first Monday in September?

Mr. Natali: September 3rd – it's a Wednesday. Actually a Wednesday. Wednesday, September 3rd.

HENRY A. MALLINGER
6295 ISLAND ROAD

AN AREA VARIANCE WHERE THE PROPOSED ACCESSORY STORAGE BUILDING IS 1,728 SQUARE FEET IN AREA WHERE A MAXIMUM OF 700 SQUARE FEET IS ALLOWED.

Mr. Natali: Okay, sir, tell us what you'd like to do.

Mr. Mallinger: I am putting an addition on my existing garage for cold storage to store two John Deere tractors, an Allis Chalmers tractor and a Case dozer used for the purpose of farming my 33 acres.

Mr. Natali: Would you like to explain to us how you got yourself into this. You got approval to build this building quite awhile ago and you proceeded to make an addition to your existing garage and what happened at that point?

Mr. Mallinger: Well financially I had to wait until I had accrued enough equity so that I could continue on building and buying the other piece of equipment. The other John Deere tractor.

Mr. Natali: Okay, has everyone gone out there? Did you get a chance to drive back down through the driveway? [Board affirmed that they did.]

Mr. Natali: That is actually a private road which we call a "way." A private road not maintained by the Town. Well, as you know the law has changed.

Mr. Mallinger: It certainly has. I'm one year late.

Mr. Natali: Your 728 feet is almost two and a half times what's allowed.

Mr. Mallinger: Yes sir.

Mr. Natali: But it's three quarters done isn't it?

Mr. Mallinger: Yes sir. Well, pretty close.

Mr. Rabbia: When did you start? Did you start a year ago?

Mr. Mallinger: Well a few years ago I had laid it out and then this year I was able to purchase the lumber which you probably saw which were the six by sixes and the trusses and such so we started approximately in the beginning of spring. He has a flat trailer (referring to his son, Jim seated in the meeting room) so he was able to go up and pick up the lumber and bring it back so we could use it for the construction. Gary (Natali) brought up a good point there that it's fifth wheel flat bed but it's not commercial, it's used to bring the lumber in so that we could store the lumber on it while we were building. The siding will be vinyl, the continuation of the vinyl siding as it is. The roof will be a three in one tab roofing.

Mr. Mallinger's son, Jim: It's going to match the existing building.

Mr. Rabbia: You do have a permit for it, correct?

Mr. Mallinger: No, that was my problem sir. The problem was I had a permit and it expired and I didn't realize it had expired so when, I believe the gentleman's name was David, who came over and told me my permit had expired and I told him the reason for the building was for cold storage. I had two of the tractors in my garage and, of course, every piece of equipment was in the garage and it took up the whole garage and that's why we started the pole barn. So the purpose of the pole barn was for the four pieces of equipment to go into the pole barn.

Mr. Palladino: You're actually adding on to an existing structure. When was the first part or phase one of the project started?

Mr. Mallinger: Lemme see we built the house in 2002, so in 2001 we built the garage per my wife's order so that I could bring the stuff from our existing home out in East Syracuse, out to the garage and not into the house which I agreed with her. Then we built the house and we got our CO???? in 2002 for the house.

Mr. Palladino: So the first portion was built in 2001.

Mr. Mallinger: Yes

Mr. Palladino: Then you started the second phase last year.

Mr. Mallinger: Yes sir.

Mr. Palladino: And combined is where we get the 1,728 sq. ft.

Mr. Mallinger: Yes sir because it's an extension of the 40' x 24' – I am extending 32' by

Mr. Stanton: Now the new enlarged structure, that's going to be used solely for agricultural use?

Mr. Mallinger: Yes sir, solely for farming.

Mr. Rabbia: Now these tractors, are they working tractors and you're going to work the land with these tractors.

Mr. Mallinger: Yes sir they are diesel and they are working tractors, yes sir.

Mr. Rabbia: But you're actually going to plow or whatever you do.

Mr. Mallinger: We are going to plow and disc, yes. In fact, I had a gentleman who was planting rye and we were going to continue with that but in a discussion with another person that was over to the house about a month ago. He had talked about alfalfa. I don't have a bailer but this gentleman does. His problem is he doesn't have enough land to plant his alfalfa in so...

Mr. Natali: How many acres did you say you have?

Mr. Mallinger: 34 sir. I believe it's 34.

Mr. Rabbia: All these parcels on the survey here?

Mr. Mallinger: That's all one parcel sir. That's all one parcel.

Mr. Stanton: The county website says about 47.5 acres.

Mr. Natali: How much are we taxing you for it? [laughter]

Mr. Mallinger: All of it sir.

Mr. Natali: Is there a market for alfalfa?

Mr. Mallinger: There's a market for alfalfa and there's a market for rye. Yes sir. Now the gentleman who was doing the rye that brought the bailer over. He wasn't there last year and I assume he's not coming back. I did call him this spring and he said I'll see ya later and I have to be truthful with you, I haven't seen him but the gentleman that was there a month or two ago has a farm over on Smith Ridge Road and he's raising beefers and he's looking for alfalfa and so I said okay.

Mr. Natali: How did the Crossings because that was all agricultural.

Mr. Mallinger: The Crossings was brought up and Mike Bragman as you are well aware of and we had a shared problem but it didn't do us any good and it's water over the damn I say. If anybody knew that area, which they probably did. That land was approximately 20 to 24 feet lower than my property....

Mr. Mallinger's son, Jim: Twenty-four inches pops.

Mr. Mallinger: No, 24 FEET and when they brought the fill in. LandCo and I forget who else brought it in. They brought the land up so that if you went...if you surveyed the top of the roads or any of their building lots, you'll find that they are anywhere from 8 to 12 feet higher than my existing property line so therefore that created a water problem.

Mr. Natali: So that was a zone change that did that?

Mr. Mallinger: They did that when they put in the housing project or, I guess you would call it a housing project.

Mr. Natali: Island Road is kind of unusual...it's got everything. Next door you have Lane Construction, across the street you've got a big contractor, there's houses, there's everything on that road.

Mr. Mallinger: Yes

Mr. Natali: But you still want to go ahead and improve that neighborhood.

Mr. Mallinger: They have offered to buy it from me and I've refused it. In fact I know Mr. Bragman wasn't too happy with me.

Mr. Natali: Any other questions gentlemen?

Mr. Natali opened the Public Hearing at 6:34 PM

FOR: Rusty Phelps, 7944 Joss Farm Way.

Mr. Phelps: I'm in the Crossings. I live directly behind Mr. Mallinger. I can see the project from my dining room window. I mean he's got an abundance of space. The project is being done correctly. It's nice. It doesn't impose on anyone. Doesn't encroach on any of the property lines. It's a good project. If anything people would be happy if he could get the equipment in and it will be stored properly. He takes good care of his place and I am in favor of letting him do what he needs to do.

Mr. Natali: Thank you. Any idea how your neighbors feel over there?

Mr. Phelps: I would believe they'd feel similarly. He's a good neighbor and we all enjoy his company and whatever he does.

Mr. Natali: I'm not asking you to speak for anybody, I was just curious if you knew.

Mr. Phelps: No, I haven't heard any negative comments at all.

Mr. Natali: Great. Is there anyone who would speak against this?

AGAINST: NONE

Mr. Natali closed the Public Hearing at 6:35 PM

Mr. Natali: Do I have a motion for deferment?

Mr. Rabbia: I just wanted to make a couple of comments.....go ahead Chuck (Stanton) and then I'll speak.

Mr. Stanton: A lot of the decision here and we heard squarely that it's going to be agricultural use so my question is that we have that new portion that says that private garages should not exceeding 700 square feet in area when used as an accessory use to the principal residential use of the property. When I read that, I almost see it as separate from agricultural. Could that be a possible interpretation of the code. It says in agricultural, "ag" districts the following uses are permitted agricultural use. On the surface that speaks to me that as long as it's an agricultural use, you can pretty much do what you want.

Mr. Kirwan: I don't disagree.

Mr. Stanton: Yes, it's zoned "ag."

Mr. Rabbia: That's why I look at it and say it's agricultural. He has equipment on a working farm and 700 square feet on a working farm is not all that much. What he is extending it out to 1,728 square feet just feels right if you have multiple tractors. Seven hundred square feet again... you can't get three cars in a 700 square foot garage.

Mr. Natali: Right. Well, before we defer this, why don't we go through the five factors real quick. I'll take the lead on this.

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. Natali: I'm not sure that steet has a character. [laughter] It's got everything.

Mr. Rabbia: So the answer is no, correct?

Mr. Mallinger: The once nice thing about it is it will be vinyl with the three in one tabbed roof which makes it equal to the garage that is in front of it.

Mr. Natali: Now obviously you changed the roof line to get a little more height.

Mr. Mallinger's son, Jim: The back is backed up and when you change the roof line you get a four foot overhang in the front.

Mr. Natali: Okay. So, we all agree it does not change the character of the neighborhood.

**Answer: No.
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.

Mr. Natali: Actually there is not an alternative because you need it to assist you in your farming. He's got a D-10 in there, he's got another tractor.

Mr. Palladino: There is an alternative. He doesn't connect it to his existing building. He keeps it separate.

Mr. Rabbia: No, I still think he has a problem.

Mr. Palladino: That's 28 feet you can't find 28 feet?

Mr. Natali: Okay but is it practical?

Mr. Rabbia: What do you mean by it's 28 feet?

Mr. Palladino: If you scale it out the 24' x 30' it comes out to 768'. So if he kept it separate. The big problem is he's attaching it to an existing so that makes it....and I am only throwing it out as something you could do.

Mr. Natali: Okay there is an alternative.

Mr. Rabbia: It doesn't make sense but there is an alternative.

Mr. Palladino: Right, I do think it's a viable alternative.

**Answer: Yes.
All agree.**

Factor 3 – Whether the requested Area Variance is substantial?

Mr. Natali: Absolutely it's substantial. It's almost two and one half times. I came up with 2.46 times of what's required but in this case because we are considering a working farm...it's still substantial.

Mr. Stanton: I would make the argument that that might not even apply because it's a working farm.

Mr. Natali: You are all agreed that it doesn't apply? Alright we will take the position that it does not apply in this situation.

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?

Mr. Natali: Not really, you've got it all ready to go. So that would be No.

Mr. Stanton: With about 47.5 acres that's in excess of two million square feet so I can't believe that this addition of 768 square feet is going to have much of an impact on that.

Answer: No.
All agree.

Factor 5 – Whether the difficulty was self created?

Mr. Natali: You bought it as a farm.

Mr. Mallinger: Yes sir with the intention of farming it.

Answer: No.
Factor 5 -All agreed.

Mr. Natali: So with that in mind, I am going to make a motion to approve the addition of 768 square feet to be approved. The only condition is that it be the same architectural finish as the existing buildings.

Mr. Stanton: We do not have the county resolution though so can we technically approve?

Mr. Natali: No. However, we have all the factors discussed. All you need to do is come on September 3, 2014.

Mr. Mallinger: Is there anything I need to bring or anything?

Mr. Natali: No you're all set.

Mr. Mallinger: May I, and I hate to ask the question, but may I complete the roof so that the tar paper doesn't ...
Mr. Mallinger: No, okay.

Mr. Stanton: No, without the building permit you can't.

Mr. Natali: He's going to wait for our decision.

Mr. Hooper: I asked Terry (Kirwan) if he could continue but right now he has a stop order. To wait a month for the county, I know what you're saying.

Mr. Mallinger: No, I just didn't want the tar paper to fly off there. We have tar paper on there.

Mr. Hooper: The problem is you don't have a building permit.

Mr. Mallinger: I made an application for the building permit, you know the new one but...

Mr. Hooper: We need to see what you're building; if it is structurally correct, etc., etc., so to allow you to put shingles on prior to the approval. I would like to say yes, sir but...

Mr. Mallinger: No, no I was just thinking of the tar paper because I didn't want the tar paper to...although we do have the wooden slats on there to hold it down.

Mr. Mallinger: What do we have to do with the county?

Mr. Stanton: You don't have to do anything. You are within 500 feet of a county road so Onondaga County has to actually review this case also. Now they can make suggestions. They can ask us to look at things. In the end we don't necessarily have to follow what they say but we need to wait to hear from them.

Mr. Mallinger: We don't use the county road for anything.

Mr. Stanton: That's correct but you are within 500 feet of that road.

Mr. Mallinger: Oh I see, yeah.

Mr. Rabbia: Is that with the county zoning also?

Mr. Stanton: The county planning board takes a look at that. They take into account our zoning plus any considerations they have as part of Onondaga County.

Mr. Mallinger: Okay

Mr. Hooper: Mr. Mallinger do you have your application in now?

Mr. Mallinger: Oh, yes sir.

Motion made by Mr. Staton to defer this case until the September 3, 2014 meeting. [All agreed.]

Motion made by Mr. Natali to adjourn the meeting. [All agreed.]

Motion and vote was unanimously approved to adjourn the meeting at 7:44 P.M., as there was no further

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business before the Board.

Respectfully submitted,
Ann Marie August, ZBA Recording Clerk