

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: JUNE 3, 2013
PLACE: CICERO TOWN HALL

TIME: 7:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday June 3, 2013, at 7:00 P.M., at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039

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

Absent: None

Others Present:	Steve Procopio:	Codes Enforcement Officer
	Terry Kirwan:	Attorney
	Nancy G. Morgan:	Secretary

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

Mr. Natali pointed out the fire exits and requested that pagers and cell phones be turned off. He then read the following statement: The Cicero Town Board acknowledges the importance of full participation in public meetings, and therefore, urges all that wish to address those in attendance to utilize the microphones in the front of the room.

Motion was made by Mr. Snyder, seconded by Mr. Stanton, to approve the minutes of the May 6, 2013 Zoning Board of Appeals meeting, with the following correction: Mr. Stanton's statement, third paragraph from the bottom of the page: should say "trees are located off the property in question".

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 all cases on tonight's agenda on file in the Zoning Office. Also, any action taken tonight will not be official until the minutes are filed with the Town Clerk, which has a deadline, by law, of two calendar weeks.

Motion was made by Mr. Natali, seconded by Mr. Rabbia, that all actions taken tonight are Type 2 Unlisted Actions under the New York State Environmental Quality Review Act, with a negative impact on the environment, unless otherwise indicated.

Motion was put to a vote, resulting as follows:

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

Motion duly carried.

AREA VARIANCE FOR DENNIS GREEN, JR., 6067 DEERSPRINGS ROAD, TO ALLOW THE CONSTRUCTION OF A 16 FOOT BY 20 FOOT STORAGE BUILDING A DISTANCE OF 16 FEET FROM THE STREET LINE WHERE 30 FEET IS REQUIRED.

Representative: Dennis Green, Jr., Owner.

Mr. Green: I would like to build a shed in my back yard. It's 16 ft. from the road line--as proposed on the survey.

Mr. Natali: Is your existing shed going to be taken down--the metal one ?

Mr. Green: Yes, Sir.

Mr. Palladino: Why that location ?

Mr. Green: I have a SNAP ON business. There's a SNAP ON truck parked next to my house. That location is where I can back the truck right up and I can put a tool box in the shed. That's what it's for--just for storage.

Mr. Stanton: You do realize, you're asking for a substantial Variance on this. There's other opportunities on your property to construct this--I guess I'm going to call it an accessory structure because if we really do call it a shed, he's limited to 192 sq. ft. There's 320 sq. ft. here right now. I guess further reference to this should be accessory structure and not a shed. I think it does qualify as one because it's more storage than lawn tools, etc. Back to my original question--the swimming pool appears to be gone now--there's a lot of other opportunities within your property to construct this without asking for this Variance on what is technically your front yard. Have you looked at other locations ?

Mr. Green: Other locations on my property ?

Mr. Stanton: Yes.

Mr. Green: No, Sir. With the easements--I can't come off of Thompson Rd. because there's not an accessible driveway off of Thompson Rd. I can't go to the other side of the property because of the easement and then there's the swimming pool there-- or soon to be. I'm replacing the pool.

Mr. Stanton: It will be there again ?

Mr. Green: Yes. And the driveway--to put it anywhere else, like in the back corner, by the easement behind the swimming pool, it would be next to impossible to move stuff in and out of that shed into the SNAP ON truck. Plus the expense of building a side walk for whatever--because of snow removal, etc. Another reason is, the SNAP ON truck backs right up to it--it's there. It's no wider than the existing SNAP ON truck--I call it the SNAP ON driveway--that's where the SNAP ON truck is parked. It's not going to be any wider than that driveway. The main portion of the yard is where the kids play. I can't really put it right in the middle of the yard--again, because of driveway purpose. I have a 10, 8 and 4 rear old--they're just getting bigger, so they want their space. I want them to have their space to play. This just makes more sense to me.

Mr. Stanton: Will you have power to this ?

Mr. Green: Yes.

Mr. Stanton: Getting back to what you call the SNAP ON driveway. Is that a second driveway that you're going to be building ?

Mr. Green: That driveway is already built.

Mr. Natali: It's not paved.

Mr. Green: There's 13 yards of runner crush under that SNAP ON truck.

Mr. Natali: Are you going to take the fence down so you can get closer to where you're building the shed ?

Mr. Green: Yes, then I'm going to push the fence back, where it will be equal to the shed.

Mr. Palladino: To the front or to the back ?

Mr. Green: To the back.

Mr. Natali: Why do you have posts on your deck ?

Mr. Green: A railing.

Mr. Natali: You're going to make a railing ?

Mr. Green: Yes, Sir.

Mr. Natali: You'll have to cut those way down.

Mr. Green: Yes, Sir.

Mr. Natali: You're not going to put a roof on it ?

Mr. Green: No, Sir.

Mr. Natali to Mr. Procopio: Do you see any restriction with the Commercial use here--when he gets into storage of that size ?

Mr. Procopio: What I'll compare it to-- I classify it as a storage building, not a shed by my interpretation. It's not a garage because it has a wooden floor--you can't drive or park a vehicle in there. I would compare it to a place where a carpenter or painter would park their truck at the end of the night at home and unload his tools into his garage. He's not running his business at home. His business is elsewhere.

Mr. Natali: Right--there's no retail.

Mr. Palladino: How high will this building be ?

Mr. Green: About 8 ft.--from the topside--then I'll slant it down to run the water away from the house--frame wood.

Mr. Snyder: So, you're going to take the fence and have the fence go along the side of the deck--the 14.5 ft dimension. Then you're going to have it be also lined up with the back of the shed, from Thompson Rd. over ?

Mr. Green: The front portion of the shed. The closer to the existing fence, that's where I'll put it. I can put the fence where ever.

Mr. Snyder: You're going to move it to the front of the building ?

Mr. Green: The existing deck will have fence up also to keep the kids in.

Mr. Rabbia: How long have you owned the house ?

Mr. Green: I bought it in 2003.

Mr. Snyder: Did anyone ever indicate to you that your fence is on drainage easements where it's really not supposed to be ?

Mr. Green: Yes, Steve did once. There was a Variance in 1981.

Mr. Snyder: There was a Variance but I'm afraid the former owner obviously never turned into the Board the new survey they asked for because the Board would definitely not have approved fences in 2 different drainage swales--it wouldn't have happened. There's no indication in the file that they ever got an accurate survey with the fence location on it.

Mr. Green: Where does the fence have to be ?

Mr. Snyder: It should be outside the drainage swale. So, right now, in the back corner near Thompson Rd., you show on this survey that it's basically right almost at your back corner, so the fence at that point would have to move in 10 ft. closer to your house and at the other end, because we can't measure, it would be somewhat less than 10 ft. It would have to be moved in, in order to be out of the drainage swale. On the side of the house, it looks like it's almost 10 ft. in to it--nearest Deer Springs Rd. and cuts across the back corner.

Mr. Stanton: Basically, that's the line with the dash and 2 dots, is what Mr. Snyder is saying--is where he'd be legal.

Mr. Palladino: On the inside of that, to the property. We're talking about the fence--I think the fence on Thompson Rd. is illegal.

Mr. Procopio: That's the previous Variance that was granted. Their Variance was for--6 ft. high toward the street line.

Mr. Palladino: That's OK ?

Mr. Procopio: Well, it was granted in 1981.

Mr. Palladino: That part of the fence is kind of falling down. I was wondering what you were going to do with it.

Mr. Green: I'm going to repair it this year. I kind of left it open for the equipment for the pool . Other than that, I just put it up when the bikes ran the 19th of May, just to keep kids in.

Mr. Snyder: How do you feel about moving the fence out of the drainage swale, at this point in time, or when you rework it or improve it?

Mr. Green: If that's what I have to do, I don't have a problem with moving it 10 ft. to get it out of the easement.

Mr. Natali: Does it get wet back there ?

Mr. Green: Only when it really, really rains. Everything kind of drains to the corner where the other property is, so my yard is pretty dry.

Mr. Stanton: Does the County Planning Board need to look at this ?

Mr. Procopio: It's been sent. Their meeting isn't until the 12th of June.

Mr. Stanton: After all this discussion, I hate to even ask, can we even rule on this ?

Mr. Natali: No, we can't. What's your time frame on this? I know you've got some prep work to do. It's a project you've been thinking about--you've got a lot of work to do.

Mr. Green: I'm presently renting storage I'd like to get out of. I haven't done anything with the shed until I get the Permit authorized.

Mr. Natali: Our next meeting is Monday July 1st. You already paid for the storage for the month, right?

Mr. Green: Yes.

Mr. Natali: We can't make a decision based on not having the County's recommendation. But we can open the Hearing, discuss it and get that out of the way, so that you would be first on the agenda on July 1st.

Mr. Stanton: I don't know if anyone discussed this but Thompson Rd. is a County road so we have to defer to them to render a decision before we can act.

Mr. Snyder: Mr. Chairman, do we have the ability of contingency approval with the Code Office getting a document from the County ? If the County says it's OK--then we save a couple of weeks--or can we not do that, Terry ?

Mr. Kirwan: I wish you could. I've never seen it done. I've asked for it before myself--not here.

Mr. Natali: We've never done it.

Mr. Kirwan: They come back--what you granted--it's not supposed to be granted--or you need a super majority to over ride it. Steve has to send his truth or denial notice in--you can't send it in until you get the resolution.

Mr. Natali: OK, we tried. Let's go thru the rest of the process so we don't have to bring this up again. Would you be interested in moving the fence out of the easement ? The back fence ?

Mr. Green: Yes, I'd be interested in moving it.

Mr. Natali to Mr. Procopio: Is that something you'd like to see, Steve ? It was approved.

Mr. Procopio: It was approved in 1981. I think it was either ignored or they weren't aware there was an easement there--that's why they were asking for a final survey. It doesn't appear that it was ever submitted, after they granted the Variance. I would say, in a situation like this, when it came time to repair or replace his fence that it be moved out then. It might be that time now--I don't know--it looks like it needs some work.

Mr. Green: The front fence needs more work than the back.

Mr. Natali: Maybe take the pieces from the back and patch up the rest of it. Put a new one back there.

Mr. Procopio to Mr. Green: There's an open end pipe on the other side of your fence. Is that what catches the water for Deer Springs?

Mr. Green: That pipe obviously comes from the street.

Mr. Natali: So I understand--the fence that goes across the back of your house is going to come down and now it's going to go across the side of your deck , then cross your storage shed--perpendicular to Thompson Rd., right ?

Mr. Green: My new fence?

Mr. Palladino: Yes, your relocated fence .

Mr. Green went forward to show the Board his drawing on his survey.

Mr. Snyder: You'll actually be able to back up your truck a little further off the road.

Mr. Natali: Another 14 ft.--at the time you move the shed, it would be a good time to put your railing up..

Mr. Green: The railing is going up probably on the other side of the deck before I need that, so I won't have to do it twice.

Mr. Natali: So, it's not going to be that much of an inconvenience waiting until July 1st then ?

Mr. Green: No.

Mr. Natali: Good.

Mr. Snyder: The deck is an existing deck, correct ?

Mr. Green: Yes, Sir.

Chairman Natali opened the Public Hearing at 7:19 P.M.

AGAINST: NONE
FOR: Paul Ornoski, 6065 Deer Springs Rd. I live right next door to Dennis. I am in favor of his storage building.

The Public Hearing was closed at 7:20 P.M.

Mr. Stanton made the motion, seconded by Mr. Rabbia, to defer this case until July 1, 2013, until we hear from the Onondaga County Planning Board.

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. Palladino to Mr. Green: You said the deck was up there ?

Mr. Green: Yes,.

Mr. Palladino: Are you rebuilding the deck ?

Mr. Green: I already flipped the boards and sanded them--then flipped them and sanded them again . Because of the winter--the kids banged a hole thru one of them--they were just rotten. I took the boards of the deck up--the foundation is still there--i replaced the boards. I still haven't sanded them.

Mr. Palladino: It looks new when you look at it, the wood looks more blonde. Then the 4 X 4's you're going to cut--how can it be existing if you still have the 4 X 4's ?

Mr. Green: When I moved in there, there was a rickety railing up, so I took that down. One of the kids was going to get hurt on it anyway. I figured when I do this, I'm going to put railings up and make it look like a real deck.

Mr. Snyder: You may want to talk to Steve about that because taking the old deck and rebuilding it--at least, the interpretation I got was you needed a Permit.

Mr. Green: I'm just doing the boards.

Mr. Snyder: But you're also putting up railings.

Mr. Green: Yes, replacing what was there.

Mr. Snyder: That's what I was doing and I ended up with a Permit.

Mr. Natali announced that Rita Wicks has agreed to be our new AdHoc Board member. We still need approval from the Town Board. She was on this Board for a year before.

There being no further business before the Board , it was unanimously approved for the meeting to be adjourned at 7:24 P.M.

I, Nancy G. Morgan. stenographer for the Zoning Board of Appeals of the Town of Cicero, Onondaga County, State of New York, and the person who attended a meeting of said Board of Appeals held June 3, 2013 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.

Nancy G. Morgan

June 10, 2013