

STATE OF NEW YORK  
ONONDAGA COUNTY  
ZONING BOARD OF APPEALS

MINUTES OF MEETING  
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: SEPTEMBER 10, 2008  
PLACE: CICERO TOWN HALL  
TIME: 7:00 P.M.

The regular meeting of the Zoning Board of Appeals was held Wednesday, September 10, 2008 at 7 P.M. at the Cicero Town Hall, 8236 South Main St., Cicero, New York 13039.

Members Present:	Gary Natali:	Board Chairman
	Charles Stanton:	Board Member
	Michael Stassi:	Board Member
	Robert Wilcox:	Board Member, AdHoc
	Mark Rabbia:	Board Member
Absent:	Richard Griola:	Board Member
Others Present:	Wayne Dean:	Director of Planning & Development
	Melissa DelGuercio:	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. Stanton, seconded by Mr. Wilcox, to approve the minutes of the August 4, 2008 Zoning Board of Appeals meeting.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

Motion was made by Mr. Natali, seconded by Mr. Stassi, that all actions taken tonight are Type II Unlisted Actions and have a negative impact on the environment unless otherwise indicated.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

This Board has received Proof of Posting for all of this evening's agenda items.

**AREA VARIANCE FOR GARY MORGAN, 5900 WARREN DRIVE, TO ALLOW CONSTRUCTION OF AN ADDITION TO A NON-CONFORMING COMMERCIAL BUILDING ON A LOT 150 FT. DEEP WHERE 200 FT. IS REQUIRED. ALSO, THE FRONT SETBACK IS 20.9 FT. WHERE 50 FT. IS REQUIRED AND A REAR SETBACK OF 20.9 FT. WHERE 25 FT. IS REQUIRED.**

Representatives: Dean Johnson, Architect  
Gary Morgan, Owner

Mr. Johnson: Lot is 150 ft. deep where 200 ft. is required, front setback is 20.9 ft. where 50 ft. is required and rear setback is 20.9 ft. where 25 ft. is required.

Mr. Dean: This is an odd lot because it is on a corner. The address is Warren Dr. If you're looking at the drawing, the rear of the property is on top. The front of the property is on Warren Dr. (on bottom of drawing). I have talked to the County and if there's a problem with this, they could reassign an address for this, which would be South Bay Rd. Then, I believe, the setbacks would meet the criteria. Also, there's an "L" shaped appendage on this building that will be demolished. If you were out there to look at this, you might have been confused. It will be demolished to make room for the new addition.

Mr. Rabbia: Just so I get this straight--the building is going to grow towards South Bay Rd. ?

Mr. Morgan: That's correct.

Mr. Johnson: We looked into building the addition on the other side and putting the parking on South Bay Rd. side but it didn't fit as well.

Mr. Rabbia: Will there still be parking on South Bay Rd. side?

Mr. Johnson: No, it will be lawn and landscaping. It would have brought the entrance to the parking lot too close to South Bay Rd.

Mr. Dean: We have discussed this with the Planning Board to get their input. We finally came up with this solution and it seems to meet the Planning Board's criteria now. They've done a lot of work on this to make it fit for them and it seems like a good use of the property.

Mr. Stanton to Mr. Dean: The County's interpretation is that even though South Bay Rd. is a legitimate road, we don't need that 50 ft. setback?

Mr. Dean: We have not submitted this to the County yet. What I said to the County is if this is an issue, we can change the address.

Mr. Natali to Mr. Morgan: From a business standpoint, wouldn't you rather have a South Bay Rd. address so people would know where you are?

Mr. Morgan: Yes.

Mr. Natali: Now you only need less of a variance. You only need one variance other than the non-conforming pert, which I would be more inclined to lean toward. How fast can you get an address change? It could be a condition of our approval.

Mr. Dean: I've already talked to the County about the address change. It was indicated that there are numbers available and this could be changed relatively simply.

Mr. Natali opened the Public Hearing at 7:13 P.M.

FOR: NONE  
AGAINST: NONE

Public Hearing was closed at 7:14 P.M.

Mr. Rabbia: I think the address should be changed. That eliminates two of the variances.

Mr. Natali: They still need a variance on the front though.

Mr. Rabbia: If the County has said they're O.K. with it, then we can proceed.

Motion was made by Mr. Natali, seconded by Mr. Wilcox, to approve the Area Variance for Gary Morgan, 5900 Warren Dr., to allow construction of an addition to a non-conforming commercial building on a lot 150 ft deep where 200 ft. is required. Also, the front setback, with the new proposed addition will be no closer than 36 ft. to the street line. As a requirement of the approval, they are to ask for an address change for a South Bay Road address.

Motion was put to a vote, resulting as follows:

Mr. Rabbia: Yes  
Mr. Wilcox: Yes  
Mr. Stassi: Yes  
Mr. Stanton: Yes  
Mr. Natali: Yes

Motion duly carried.

**AREA VARIANCE FOR RAYMOND VINETTE, 705 CHURCH STREET, TO ALLOW CONSTRUCTION OF A RESIDENTIAL ADDITION AND POLE BARN ON A 67 FT. WIDE LOT WHERE 85 FT. IS REQUIRED.**

Representative: Raymond Vinette, Owner

Mr. Vinette: I would like to construct an attached garage and a 36 ft. X 80 ft. pole barn. The present detached garage would be demolished.

Mr. Wilcox: This is all one long lot?

Mr. Vinette: Yes.

Mr. Rabbia: It looks like you'r going to put the garage and pole barn in to meet all the setbacks.

Mr. Vinette : They both will meet the setbacks.

Mr. Dean: The only variance required is for a non-conforming lot.

Mr. Natali opened the Public Hearing at 7:17 P.M.

AGAINST: NONE

FOR: Christine Barnes, 604 Forest Dr., neither for or against, asked how far from the property line will the pole barn be?

Mr. Dean: I met with Mrs. Barnes yesterday and showed her. I explained to her that the pole barn would be 120 ft. from the rear property line.

Mrs. Barnes: Asked about ingress and egress, also, what will it be used for?

Mr. Vinette: The garage doors will face our house.

Mr. Natali and Mr. Stanton asked if Mrs. Barnes if she was speaking FOR the variance now?

Mrs. Barnes: Yes.

Mr. Dean: My question is what will the use be?

Mr. Vinette: I am the Assistant Boy Scout Master of Troop #67. The boys have been kicked out of every storage facility they had. I have on my property--canoes, a camper that holds tents, canopies, patrol boxes. My garage is also full.

Mr. Natali: What is the square footage of the pole barn?

Mr. Vinette: 2800 square feet.

The Public Hearing was closed at 7:22 P.M.

Mr. Stanton reviewed the 5 factors considered for the Area Variance Findings and Decision. There being no objections, Mr. Stanton made a motion, seconded by Mr. Stassi, to approve the Area Variance for Raymond Vinette, 705 Church St., to allow construction of a residential addition and pole barn on a 67 ft. lot where 85 ft. is required.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR MICHAEL LIZZI, 5220 ORANGEPORT ROAD, TO ALLOW THE CONSTRUCTION OF A GARAGE ON AN AGRICULTURAL LOT OF 1/2 ACRE WHERE 1 ACRE IS REQUIRED AND TO ALLOW A MINIMUM SIDE SETBACK OF 3 FT WHERE 10 IS REQUIRED.

Representative: Michael Lizzi, Owner

Mr. Lizzi: I would like to build a free standing garage/pole barn that will allow us to drive our cars straight in. I'm trying to eliminate an offset.

Mr. Natali: O take it that long driveway goes to a building in back of you?

Mr. Lizzi: Yes, there's a newly constructed house about 300 ft. behind mine. it's a private drive.

Mr. Dean: It's a private drive. He has a site plan in the process of being approved for 3 lots back in there. There's one house there now and eventually there will be 2 more. That's to the west of this property.

Mr. Stanton: Do we know how close that private drive is going to be to the property line?

Mr. Dean: It's a 22 ft. wide road so he's got a lot of room between the edge of the road and the property line.

Mr. Rabbia: Why not slide your garage a little farther to the east to give yourself a little more distance from the side line?

Mr. Lizzi: I would prefer to drive straight in but I could probably move it over. I was trying to get it as close to that property line as I could so I wouldn't have that little jog going behind the house.

Mr. Rabbia: How wide will the overhead doors be?

Mr. Lizzi: Standard 2 car garage--16 ft. wide.

Mr. Wilcox.: Will this be 1 story?

Mr. Lizzi: Yes

Mr. Wilcox: You'll be paving the driveway?

Mr. Lizzi: Temporary runner crush, then we'll pave it in the spring.

Mr. Natali: Your design says 3 to 5 ft. What is that?

Mr. Lizzi: The 3 ft. is my ideal setback, but if I have to move it over I will and we'll adjust the width of the garage.

Mr. Rabbia: I think you could go as far as 7 ft. and still be able to drive right in, right?

Mr. Lizzi: It's possible.

Mr. Rabbia: I think so.

Mr. Lizzi: I prefer it not to go behind the house unless we have to. We have no garage right now.

Mr. Rabbia: How far back of the house are you going to put it?

Mr. Lizzi: From the house itself?

Mr. Rabbia: Yes.

Mr. Lizzi: It will be about 10 ft. away from that shed. The shed can be moved or demolished. If we have to move it over, it will probably be centered between the deck.

Mr. Dean: I just ran the numbers here. If he maintained the minimum setback in the rear, he could put that 70 ft. from the house. He's got a lot of land to work with.

Mr. Rabbia: So, it's a 20 ft. X 30 ft. garage, you want to go from 3 ft. to 5 ft from the west line, somewhere behind the house, maybe offset more than 10 ft. from the house.

Mr. Lizzi: There's the deck there. It will probably be about 10 ft. from that.

Mr. Wilcox: You've got 56 ft. from the house to the shed.

Mr. Lizzi: And approximately 42 ft. from the deck to the shed.

Mr. Wilcox: And you can move the shed anywhere you want?

Mr. Lizzi: We can demolish it.

Mr. Natali: I'd like to agree with my colleague, I'd like to see at least 7 ft. setback. I don't think that's going to hurt you at all. Is that acceptable to you?

Mr. Lizzi: Yes

Mr. Rabbia: I think if you run the numbers, you'll still be able to drive straight in with the 7 ft.

Mr. Natali opened the Public Hearing at 7:33 P.M.

FOR:	NONE
AGAINST:	NONE

The Hearing was closed at 7:34 P.M.

Mr. Wilcox reviewed the 5 factors considered for the Area Variance Findings and Decisions. There being no objections, Mr. Wilcox made a motion, seconded by Mr. Stanton, to approve the Area Variance for Michael Lizzi, 5220 Orangeport Rd., to allow the construction of a garage on an agricultural lot of 1/2 acre where 1 acre is required and to allow a minimum side setback of 7 feet where 10 feet is required.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR WILLIAM HOWLAND, 7237 LAKESHORE RD. ,  
TO REQUEST PERMISSION TO CONSTRUCT A NEW GARAGE WITH  
THE WESTERLY WALL THE SAME DISTANCE (3.01 FT.) FROM THE  
WESTERLY PROPERTY LINE AS THE EXISTING GARAGE, ON A  
50 FT. LOT WHERE 75 FT. IS ALLOWED.

Representative: William Howland, Owner

Mr. Howland: I am requesting a variance to build a new garage the same  
offset of the westerly property line as the existing garage, 3.01 ft.

Mr. Wilcox: Will the new garage be in the existing foot print?

Mr. Howland: It's going to be 4 ft. deeper (24 ft.) and about 3 times as  
long as the existing garage, which is 1 1/2 cars, the new one would be  
3 1/2 cars.

Mr. Rabbia: You'd run it parallel to your property line?

Mr. Howland: Correct.

Mr. Rabbia: If you're doing a "tear down" , why not move it over 6 or 7 ft.?

Mr. Howland: Because my property is only 50 ft. wide. We share the drive-  
way with our neighbor. It would make for a very tight turning radius to get in  
the garage.

Mr. Rabbia: You're going to side load the garage? You're not going to drive  
in from Lakeshore Rd.?

Mr. Howland: No. It's going to be the same orientation as the existing one.  
We'll come from Lakeshore Rd., then make a 90 degree turn into the garage.

Mr. Wilcox: You're 3 ft. from the line?

Mr. Howland : Yes.

Mr. Dean: I talked with the property owner to the west, Kevin Atkins, and he has no objection to this.

Mr. Natali: The shed is going to come down, correct?

Mr. Howland: Yes.

Mr. Natali: We talked about the eaves today.

Mr. Howland: Yes. I'd like to maintain the same 3.01 Ft. to the structure. The new structure will have a 1 ft. overhang, instead of the 1 1/2 ft. it has now. So, measured to the eave, I guess it would be 2 ft.

Mr. Natali: We also talked about the roof line, so that snow would not come to the west.

Mr. Howland: We thought about running the trusses in the other direction, but it's very expensive for a 40 ft. span, as opposed to a 24 ft. span. The snow and wind flows parallel to the property line. We don't get snow drifts on that side of the road.

Mr. Rabbia: How wide is your paved common driveway?

Mr. Howland: It's 12 ft., the main part, then our parking area is wide enough for 4 cars. We will be lining the garage up with the existing parking area on my side.

Mr. Rabbia: How much turning radius do you allow yourself?

Mr. Howland: The turning radius would be 25 ft., if you're driving up the middle of the driveway. The average car is about 16 ft. long or less so there would be room to park in front of the garage also, on our side.

Mr. Stassi: You would have cars inside the garage and outside the garage ?

Mr. Howland: I think once we get the garage up, we would drive in to it.

Mr. Wilcox: Is this going to be 1 story?

Mr. Howland: It will be 1 story with storage upstairs.

Mr. Wilcox: But it won't be finished off ?

Mr. Howland: No.

Mr. Wilcox: I see, on the drawing, the size of the old garage compared to the size of the new garage.

Mr. Howland: I'd say it's about 1/3 of the size of the new one.

Mr. Rabbia: I still believe you could pull this back a foot or 2 from the property line and be able to make all your turns.

Mr. Howland: I don't know. I don't have the turning radius for cars on hand.

Mr. Rabbia: 6 ft. of the driveway is on your property and 6 ft. is on your neighbor's property, is that right?

Mr. Howland: I'm guessing that's right or it could be 10 ft.--5 ft. on each side. It's split down the middle. The other thing is, when we have company, they'd have to park in front of the garage. If the garage was further off the property line, I think that vehicles would be sticking out closer to my neighbors.

Mr. Natali: Your house is 43 + ft. by 26 ft. The garage would be almost the same size. We're talking about a non-conforming lot here. You're asking for an awful lot considering you need the space in front. Even 2 ft. as Mr. Rabbia suggested would take you a little further off your neighbor's property line--the eaves were right on the property line. Granted, you're going to cut 6 inches off that, but it's still close.

Mr. Howland: The eave is still 1 1/2 ft. off the property line.

Mr. Natali: You said the telephone pole was the property line. I stood right under the eaves--I didn't measure the 3 ft., as it says on the survey. It's very close. You're asking for a very big garage. Granted your neighbor has a very big garage, but a 3 1/2 car garage, you're making it deeper. Let's give your neighbor a little more room there.

Mr. Howland: Among other things, this garage is no where near the size of any structures on his property. His garage is offset to the westerly line also. I figure the eaves on the new garage will be 1 ft. instead of 1 1/2 ft. That still leaves 2 ft. from the drip line to the property line. In the past, the neighbor has plowed snow up against my garage. We all live so close together on Lakeshore Rd., we get along pretty good--we have to.

Mr. Wilcox: The garage you have now, do you drive straight in?

Mr. Howland: No, 90 degree turn in. We have 2 cars, boat, jet ski and snowmobiles that I'd like to get out of the yard, into the garage.

Mr. Rabbia: I'd like to see 5 ft. instead of 3 ft. That would leave you with 15 ft. plus the width of the driveway on the opposite side, after you build the garage.

Mr. Wilcox: I agree, wouldn't that work for you ?

Mr. Howland: Not well. My wife and I might get used to parking in front of the garage. But if we have company, they'd be a little leery--their cars would be sticking out. You can't park cars on Lakeshore Rd., so they'd have to be either in the yard or the driveway.

Mr. Wilcox: So your neighbor wouldn't be able to plow snow up against your garage?

Mr. Howland: I'm not worried about that part. I'm just worried about the people on the other side being able to make their swing into their garage, which is 180 degree turn.

Mr. Natali opened the Public Hearing at 7:46 P.M.

FOR:	NONE
AGAINST:	NONE

The Hearing was closed at 7:47 P.M.

Motion was made by Mr. Stassi, seconded by Mr. Wilcox, to approve the Area Variance for William Howland, 7237 Lakeshore Rd. , to request permission to coonstruct a new garage with the westerly wall the same distance (3.01 ft) from the westerly property line as the existing garage, on a lot 50 ft. where 75 ft. is required.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	No
Mr. Wilcox:	No
Mr. Stassi:	Yes
Mr. Stanton:	As the discussion was based on 5 ft. rather than 3 ft., I'm going to vote-No
Mr. Natali:	No

Motion denied.

AREA VARIANCE FOR BRIAN M. SCRAFFORD, 113 ELIZABETH DR. , TO CONSTRUCT A FRONT DECK ON A RESIDENCE THAT EXTENDS BEYOND THE FRONT BUILDING LINE. THE FRONT SETBACK WOULD BE 26.5(+/-) FT. WHERE 30 FT. IS REQUIRED.

Representative: Brian Scrafford, Owner

Mr. Scrafford: I'm asking for a variance to build a deck, that is partially constructed at this time, attached to the front of my house. The deck is 20 ft. wide and 8 ft. deep. It stands 2 ft. tall and would be constructed with a 5 ft. wide stairwell in the left corner. There will be a railing around the entire deck.

Mr. Natali: We're talking about a deck that's already built, right?

Mr. Scrafford: The actual structural portion is already built. I'm a new homeowner. First home. There was a smaller deck that was there. I wasn't aware that I needed to apply for a permit at the time, so I went ahead and removed the old one and began building. Naturally, I was called that I needed a permit to build larger. Obviously, it's not within the constraints. It's about 3 1/2 ft. too close to the property line.

Mr. Natali: That's why we have the permit process.

Mr. Rabbia: How far from your house is the final structural support post?

Mr. Scrafford: 6 feet.

Mr. Natali: It's 8 ft. from the house.

Mr. Dean said the same thing: 8 ft.

Mr. Scrafford: Yes, the actual deck itself is 8 ft.

Mr. Stanton: You're asking for 26.5 (+/-) ft. Realizing the deck is already there, if we give you 26.5 ft. and turns out you're over, you realize there's going to have to be an adjustment?

Mr. Scrafford: Yes, I do realize that. He then showed the Board members pictures of the deck.

Mr. Dean: You provided a drawing, but that was for the Building Permit, which you failed to get.

Mr. Natali: At this point, you need an updated survey with a drawing of what you want.

Mr. Dean: The date on his survey was 2002 but the date on the top that it was certified was January 2007, so it's less than 2 years old. Mr. Scrafford moved in February 2007. The deck was not sketched on the survey--it usually isn't. If you look at it, it's not hindering any sightlines.

Mr. Scrafford apologized for not sketching it on. He didn't think he needed to because the deck was already started.

Mr. Wilcox: Will there be a roof on it ?

Mr. Scrafford: No.

Mr. Rabbia: The deck extends how far from the house?

Mr. Natali: 8 feet.

Mr. Scrafford: We chose to build the deck on the front of the home instead of the back. We have an unusual shaped lot. Our back yard is quite small. We considered attaching the deck to the side of the house but that was a problem because we didn't have an entrance/exit to the deck.

Mr. Natali: Will you have one or two steps off the deck?

Mr. Scrafford: 2 steps.

Mr. Natali: Approximately how far out?

Mr. Scrafford: I believe that would be 2 ft.

Mr. Natali: So, now we're talking 10 ft. from the house.

Mr. Rabbia: You're saying 26.5 ft. from the road but I think you're actually closer than that, aren't you? If you take 30 1/2 ft. for the driveway?

Mr. Scrafford: I believe the updated survey is 31 1/2 ft.

The Board members do not see the 31 1/2 ft. on the survey.

Mr. Rabbia: If we give you the wrong dimensions based on our discussion, we're in trouble.

Mr. Natali opened the Public Hearing at 7:52 P.M.

FOR: Dave (?), Contractor: Suggested recessing the steps back in 2 ft.. They wouldn't be obtrusive into the yard either.

AGAINST: NONE

Public Hearing was closed at 7:54 P.M.

Mr. Scrafford: I have a letter support signed by several neighbors saying that it doesn't pose any inconvenience being on the front of the house. I would prefer the steps protruding instead of inside.

Mr. Rabbia: How wide will the steps be?

Mr. Scrafford: 5 ft. wide

Mr. Rabbia made a motion to approve the Area Variance for Brian M Scrafford, 113 Elizabeth Dr., to construct a front deck on a residence that extends beyond the front building line. The front setback would be 24.5 ft. where 30 ft. is required. Discussing the 5 factors: Even though he went ahead without a Building Permit, after looking at the property, I don't think it will produce an undesirable change in the neighborhood. There being no objection to the other factors, the motion was seconded by Mr. Natali.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	yes

Motion duly carried.

**AREA VARIANCE FOR M&T BANK , 8304 BREWERTON RD., TO  
CONSTRUCT AN ADDITION TO A COMMERCIAL BUILDING WITH A FRONT  
SETBACK OF 36 (+/-) FEET WHERE 50 FEET IS REQUIRED.**

Representing M&T Bank: Robert Ventre, Attorney  
Hal Roman, Land Surveyor

Mr. Ventre: I'm here to help M&T Bank stay here in the Hamlet of Cicero. As you're aware, M&T Bank merged with Partners Trust. M&T plans to close down the M&T Bank ( former Partners Trust) on the corner of Rt. 31 & Rt. 11 because of the access and parking. It is a much better building where they are on Rt. 11 now.

In order to do that and to accommodate the additional account holders, they need to improve this building. It will allow them to stay in Cicero for many years. What they're proposing to do, is make 2 additions. One to the back, that isn't relevant to the variance. That will be a small conference room. They're asking to add a 420 (+/-) foot addition to the front. You may ask "why in the front"? I will be what they call their "platform"-- their general offices. You see counters where people make deposits then you see the cubicles where they do the actual business of the bank. They're always in the same area. It's not a very big area, as you can see and in order to do that they have to infringe into the front yard setback of 50 ft. When this building was constructed, it did comply with the 50 ft. setback. When the State came in and took the property to make the turn lanes on to Rt. 31, it pushed the boundary line back and the building became non-conforming on one corner. The building is approximately 35 ft. wide and approximately 1171 ft. deep. Now we've added 2 ft. to that. You'll see there's a gap between the building line and what we'll call the second building line. That's what we presume will be the overhang. The reason Mr. Roman and I added that is, in the fear we don't have this designed exactly designed in the sense of having building plans as I understand, we're kind of worried that if that went over 2 or 3 inches, so we included it. So, if the overhang is off 2 or 3 inches, we won't have to come back again.

Mr. Rabbia: Wouldn't it be more than 33 ft. ? The property line runs at an angle, right?

Mr. Roman: When I measured it, it's probably closer to 35 ft.

Mr. Ventre: Now, why we're in the front. Feasibility. In the midst of the bank as it exists, in the center, is the vault. It's the central part of the bank where they store the money, records, everything. In order to move that vault, it would probably be \$180,000.00. It doesn't make sense to spend that kind of money. The alternative would be to put it on the side. That side is the main customer entrance and handicapped ramp. The entire side would have to be reconstructed and find another place for the entrance and ramp. So, there isn't another feasible place. The drive-thru window is on the other side. The front is the only feasible place for the addition. You can talk about what this would do to the neighborhood character--you've got buildings that violate the front yard setbacks, a hundred year old house that almost sits on the road, various architecture--there's many of those. It's nobody's fault, it's just how the evolution of this area took place. Pictures of buildings were shown to the Board. Many encroach into the setback. The Bank is and will be one of the more attractive buildings in the area.

As for environmental, that's not going to happen with an Area Variance, only a rare exception. Self created--in this case, some of it is caused by the road widening. Substantial--it's not substantial in light of 50 ft. In this portion up here (looking at drawing), we're only looking at about 6.5 ft that's over the building line. It's the other side that's about 18 ft., because of the jog in the building line. We're looking at 6.5 ft. over the building line over the entire parcel. This is urgent because the Bank has to give 90 days notice to the other M&T Bank to close.

Mr. Rabbia: So, what is our northwest corner dimension?

Mr. Roman: The 33 ft. that you see is to the building. The eave area is 2 ft., total of 35 ft. The reason we did that is we know the eaves will be 2 ft.

Mr. Rabbia: To the building, that would be 35 ft., correct?

Mr. Roman: Correct.

Mr. Natali opened the Public Hearing at 8:16 P.M.

FOR;	NONE
AGAINST:	NONE

The Public Hearing was closed at 8:17 P.M.

Mr. Natali reviewed the 5 factors considered for the Area Variance Findings and Decision. There being no objections, Mr. Natali made a motion to approve the Area Variance for M&T Bank, 8304 Brewerton Rd., to construct an addition to a commercial building with a front setback no closer than 33 ft. from the property line where 50 ft. is required, and as per the plans of August 6, 2008. Mr. Wilcox seconded the motion.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

AREA VARIANCE FOR ROBERT G. FUDGE, 7147 LAKESHORE RD., TO BUILD AN ADDITION TO A NON-CONFORMING BUILDING. THE CURRENT SIDE SETBACK IS .8 FT. WHERE 6 FT. IS REQUIRED.

Representatives for Robert Fudge:  
Sevdrin Canella  
Lynford Beiling

Mr. Canella: Mr. Fudge would like to build a full dormer facing the lake, he has only a half dormer there now. This would enlarge the size of his bedroom—in keeping with the property line and the foot print of the original house. He also wants to build a family room where the deck is now. Then he wants to build a 2 car garage to the west and demolish the old garage. The biggest issue he has right now is that his garage is about 7 ft. from the property line. Mr. Canella showed the Board a picture of his truck parked in the garage and the truck is hanging out in the road. He would like to put the new 2 car garage away from the road and further to the west and try to get a little more space there.

Mr. Natali: Would he be taking that garage down?

Mr. Canella: Yes. He has a deep lot toward the lake. Unfortunately, the house is in that area up near the road. He has a 75 ft. wide lot and he has 100 ft. on the left side.

Mr. Rabbia: A project of this scope, I'd like to see laid out by a surveyor on the plans. I don't know who drew in the dimensions that I'm seeing. This is a fairly substantial construction project.

Mr. Canella: Mr. Fudge wants to do the dormer in the fall, before winter. Then do the other two things in about a year. Steve said at this point we didn't need plans and we should come in for the whole variance so we wouldn't have to come back for another variance. We're hoping to start the dormer by October 1st.

Mr. Rabbia: You're not going to touch any other part of the structure when you do the dormer?

Mr. Canella: No. I know this is a big project, the biggest constraint we have right now is that we'd like to do this dormer addition this October. If we have to come back in the spring to get permission to do the rest of it, that's O.K.

Mr. Rabbia: What are you going to do with the roof line, just elevate it ?

Mr. Canella: Yes

Mr. Natali: The garage is going to go?

Mr. Canella: Yes

Mr. Natali: Consider this--you want to get the dormer in. If you move that 2 car garage back to the back of the house, that will probably give you 15 ft. You won't have to come back for a variance, you'll be within the setback.

Mr. Canella: The problem is the setback on the right side. We're not going anywhere near there. Steve said anytime you do anything, because it's non-conforming, that's the problem.

Mr. Dean: That's correct, you can't enlarge a non-conforming structure.

Mr. Canella: Steve suggested asking for just one variance instead of coming for each thing separate.

Mr. Rabbia: Is the plan for the garage to attach it to the family room addition ?

Mr. Canella: Yes

Mr. Rabbia: You're going to have a setback issue with the garage, right?

Mr. Canella: No.

Mr. Rabbia: Why not?

Mr. Dean: You would have a problem with the new garage because the front setback is 30 ft. The most you're going to have is maybe 15 ft.

Mr. Rabbia: That's why I'm not comfortable doing the garage portion of this right now without dimensions on the drawings.

Mr. Canella: I can understand where you're going. If it would make it easier to have better plans of the garage portion, that's fine, if we can do the 1st phase, or 1st and 2nd phase, that would be wonderful.

Mr. Wilcox: What is the first phase?

Mr. Canella: 1st phase is the dormer. 2nd phase is the family room. The garage can wait a year.

Mr. Natali: I agree that we need to have a surveyor draw up a survey. If you're happy with us just considering the dormer, then we'll do that.

Mr. Dean: He also requested the family room (phase 2) in the back, which is an increase to the structure, also.

Mr. Stanton: With that survey, we'd like to see the additions drawn to scale on there also. That would be phase 2 and phase 3.

Mr. Rabbia: To build that close to the property line, doesn't the Fire Code say you have to be at least a certain portion off the line?

Mr. Dean: The Fire Code indicates you have to be 5 ft. between buildings. You have to be 3 ft. from the property line.

Mr. Natali opened the Public Hearing at 8:33 P.M.

FOR:                    NONE  
AGAINST:              NONE

The Public Hearing was closed at 8:34 P.M.

Mr. Stanton reviewed the 5 factors considered for the Area Variance Findings and Decision. There being no objections, Mr. Stanton made a motion for Robert Fudge, 7147 Lakeshore Road, to allow the construction of a dormer on his existing residence, with the outside building line of that dormer to be no greater than the existing structure footprint. Motion was seconded by Mr. Stassi.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried,

AREA VARIANCE FOR MARYANNE CHMARACK, 8896 BEACH RD., TO ALLOW CONSTRUCTION OF A DECK AND A GARAGE ON A RESIDENCE WITH A NON-CONFORMING LOT. THE LOT IS 53.87 FT. WIDE WHERE 75 FT. IS REQUIRED. THE GARAGE ALSO INTRUDES INTO THE 30 FT. FRONT YARD. THE DECK WOULD EXTEND BEYOND THE 30 FT. BUILDING LINE FROM THE LAKE TO WITHIN 26 FT. FROM THE WATER.

Representative: Maryanne Chmarack, Owner

Ms. Chmarack: I would like to add an extension on to the deck on the lakeside and build a 1 1/2 car garage on the road side.

Mr. Natali: You're right across from the pumping station, aren't you?

Ms . Chmarack: Kitty-corner.

Mr. Stanton: When I look at the sketch of the rear deck, you're requesting a 26 ft. variance on a 30 ft. setback. But if I look at the sketch, it appears the deck is going to be alot closer. Do you have anything better than what's shown here?

Ms. Chmarack: No. There are existing steps going down to the grass that are going to be removed.

Mr. Stanton: My concern is that granting a 26 ft. variance , that actually appears to the corner of the deck that's further away from the property line at the lake just by the way it's drawn here. If we hold that 26 ft. setback, that actually cuts off a corner of the deck that you've drawn in here. I just want you to be aware of that.

Ms. Chmarack: I don't really understand what you're saying.

Mr. Stanton: If you come up, I'll point it out to you real quick. I guess what I'm saying is I don't know from this sketch because it doesn't look like it was drawn in to scale.

Mr. Dean: There's also a problem with the steps up to the upper deck between the two decks--if they are included in the 12 ft. or not. If they aren't, then you're coming out probably 14 or 15 ft. rather than 12 ft. Then you're coming out another 2 or 3 ft. on the bottom steps coming down to the ground, instead of 12 ft. Now you're talking a 16 or 18 ft. addition rather than 12 ft.

Ms. Chmarack: I guess that would further extend the steps.

Mr. Dean: Your existing deck now, are you adding the steps then building your 12 ft. at the bottom of the steps or are you building the 12 ft. adjacent to your existing deck and building the steps on top of the deck?

Ms. Chmarack: What I wanted to do is build 3 steps down from the existing deck then put the 12 ft. on and build 3 more steps down.

Mr. Rabbia: To be honest, I feel like I'm guessing and there's no dimensions on this drawing to gauge where we are.

Ms. Chmarack: The existing deck is 12 ft X 15 ft.

Mr. Rabbia: I know but I don't know how far the existing deck is from the house.

Mr. Natali: Have you hired a contractor at this point?

Ms. Chmarack: Yes.

Mr. Natali: You're going to have to present him with the survey and formal plans.

Ms. Chmarack: He's already see the survey.

Mr. Natali: O.K. Let's talk about the garage. How far is the west side of the garage from the property line?

Ms. Chmarack: The garage is a future addition. I just included it in this so I won't have to do it again.

Mr. Natali: We need all the dimensions on the survey, by a surveyor, so we can tell exactly how far we are to the setbacks on the side and on the lake side. So, I suggest at this point, I'm not comfortable and as my colleague said, we're just guessing at some of this. Ask your surveyor to re-do this. Have him put the dimensions in, let him sketch it because you're going to need it when you present plans to get a permit.

Ms. Chmarack: The permit for the deck has already been obtained, not for the garage but for the deck. Also, the Flood Plain permit has been obtained for the deck.

Mr. Natali: Do you have some other plans that you submitted with that? For example, we don't even know the deck dimensions unless I don't have the right survey. How big is your existing deck?

Ms. Chmarack: It's 12 ft. X 15 ft.

Mr. Natali: We wouldn't know that by these plans. The existing structures have to have all dimensions done by a surveyor. At this point, I suggest you have that done before we can properly evaluate this. Do you have any objections to that?

Geraldine Chmarack: I don't know about the deck. For the garage, I suggested she speak with you and let her tell you what she wants. She knows what she wants and knows what the Town says she can and can not have.

Mr. Stanton: The thing we're charged with is approving the minimum variance required to be able to construct a structure, to grant this variance. That means we can't tell you what we're comfortable with. You have come to us with a proposal and then we have to evaluate that.

Geraldine Chmarack: But she has that.

Mr. Stanton: But we can't grant a variance for a garage that intrudes into the 30 ft. setback. We have to have the exact physical dimension from the property line.

Mr. Rabbia: We've got the overall envelope of the garage but we don't know where it's sitting on the property in relation to anything else. I don't know how far it is from Beach Rd., the north or west property lines, the house or anything else.

Ms. Chmarack: So, you need an actual drawing that has the footage from the beginning of the garage to the roadside?

Mr. Rabbia: Yes. I'd say sit down and think about where you want the garage, work with Wayne or Steve, tell them what you want and they can vector you in to the approximate dimensions and then come back. I know you're going to need a variance to the road because we know you're going to be less than 30 ft. The issue would be to get it as close to the house as possible and go about 5 ft. away from your north property line. Wayne, what is the offset from the house?

Mr. Dean: 5 feet.

Mr. Rabbia: The garage can't be closer than 5 ft. to the house. so now you've got some guide lines for where you can put the garage.

Mr. Dean: The other thing that would be helpful, when the Board comes out to look at this, have your surveyor stake the corners of the garage so they have something physically to look at. He can certainly do that because he'll be out there measuring and getting dimensions. That would give the Board a visual to see.

Mr. Natali: Same thing--there's no dimensions for the deck. Yoju just have the size so the same comments would apply to the deck also.

Ms. Chmarack: So any time one has construction in mind then one has to get a surveyor.

Mr. Natali: Yes, when it's a non-conforming lot.

Ms. Chmarack: They all are. There are some decks in the area that are right on the water line.

Mr. Natali: We can only evaluate what is in front of us now. What was done in the past is not an issue.

Mr. Rabbia: I think the issue here is that we have nothing to go on with the deck. Looking at this drawing, I can not tell how far out this deck structure will protrude from your house, with the steps and everything. We're trying to help you. We can't get into a situation where we say "no closer than X ft. to the rear property line or water line, then find out that something was drawn wrong. You would get into a situation where you'd have to tear down the deck or make it smaller or shorter.

Mr. Natali made a motion to defer this case until the October 6, 2008 Zoning Board of Appeals meeting, at which time you can bring in your survey showing all buildings, current and proposed, with all dimensions. Motion was seconded by Mr. Stassi.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

**AREA VARIANCE FOR SCOTT MELVIN, 9437 BEARSPRINGS RD., TO ALLOW CONSTRUCTION OF A GARAGE ON A .55 ACRE PARCEL WHERE 1 ACRE IS REQUIRED.**

Representative: Scott Melvin ( for his mother's house)

Mr. Melvin: My mom would like a garage before winter. She would like to construct a 2 car garage, set back the same as the house, 20 ft. off the house. All the setback are fine, it's just that the lot is too small in an Agricultural Zone. She's right next door to the Community Development house that got their variance a few months ago. My mother bought her house last year and is having siding put on now.

Mr. Natali: So what we're talking about here is the total acreage.

Mr. Natali opened the Public Hearing at 8:51 P.M.

FOR:	NONE
AGAINST:	NONE

The Public Hearing was closed at 8:52 P.M.

Motion was made by Mr. Rabbia, seconded by Mr. Stassi, to approve the Area Variance for Scott Melvin, 9437 Bearsprings Rd., to allow construction of a garage on a 0.55 acre parcel where 1 acre is required. All other building setbacks will be maintained in the construction of the garage. Mr. Rabbia reviewed the 5 factors considered for the Area Variance Findings and Decision. There were no objections to them.

Mr. Natali: Before we vote, I want to mention I have a letter from Michael Reith. He feels this is not a proper request because he has some environmental impact concerns. He is AGAINST this variance. He also mentioned there's a dog business facility there, which I saw today. You breed dogs, right?

Mr. Melvin: Those are show dogs. My mom got ripped -off a couple of times when she first moved there so I brought a few of my dogs over there. There's no breeding operation there. The neighbor and I don't get along, that's why he doesn't want us to do anything.

Mr. Rabbia: What are his environmental concerns?

Mr. Natali: There's a culvert and a causeway that provides water run off during the spring and fall, any rainy period, at the property line.

Mr. Stassi: It looks like it's about 17 ft. away from that. I don't know if you have a picture of it.

Mr. Melvin: When my mom bought the house, the water doesn't drain very good thru there. I dug it out so the water could go thru. It wasn't flowing thru there when we bought the house. It was filled with road sand.

Mr. Natali: I believe there's 20 ft. between the garage and the house. The Code office will be looking for any drainage problems so when you're grading for the garage, just be mindful that your neighbors will be watching.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	yES

Motion duly carried.

AREA VARIANCE FOR DAVID STOUT, 7924 RINALDO BLVD.E.,  
TO CONSTRUCT A RESIDENTIAL ADDITION ON A LOT 65 FT.  
WHERE 75 FT. IS REQUIRED.

Representative: John Doughty, Contractor speaking for David Stout, Owner.

Mr. Doughty: The basic proposal is a 20 ft. addition off the back of the house, as a multi-purpose/family room.

Mr. Natali: You're changing the whole front also?

Mr. Doughty: No, there's nothing going on with the front of the house, just the addition off the back.

Mr. Natali: All we're handling now is the non-conforming aspect of the lot.

Mr. Stanton: One observation I'd like to make for the Board is that the actual lot depth is 120 ft. I believe in a R010, we need 125 ft. I think we'll have to add another variance for depth to this in addition to the width variance.

Mr. Natali opened the Public Hearing at 8:56 P.M.

FOR:	NONE
AGAINST:	NONE

The Public Hearing was closed at 8:57 P.M.

Mr. Stanton reviewed the 5 factors for the Area Variance Findings and Decision. There being no objections, Mr. Stanton made a motion to approve the Area Variance for David Stout, 7924 Rinaldo Blvd. East, to construct a residential addition on a 65 ft wide lot where 75 ft. is required and depth of 120 ft. where 125 ft. is required. Mr. Wilcox seconded the motion.

Mr. Rabbia: What is the room going to be used for?

Mr. Stout: My hobby is electric trains. I want a larger room to use for that.

Motion was put to a vote, resulting as follows:

Mr. Rabbia: Yes  
Mr. Wilcox: Yes  
Mr. Stassi: Yes  
Mr. Stanton: Yes  
Mr. Natali: Yes

Motion duly carried.

AREA VARIANCE FOR WILLIAM DANFORTH III, 7911 JOHN HUSS AVE., TO CONSTRUCT A RESIDENTIAL ADDITION ON A LOT 65 FT. WIDE WHERE 75 FT. IS REQUIRED AND TO BUILD WITH A SIDE SETBACK OF 4.5 FT. WHERE 6 FT. IS REQUIRED.

Representative: William Danforth, Owner

Mr. Danforth: I'm asking for a variance to put a 16 ft. X 24 ft. addition over the existing concrete pad. The concrete pad is 13 ft. by 24 ft. I'm asking for another 1 1/2 ft. I want to build a family room. I want to keep the main wall and relocate the existing side door.

Builder Dave (?) spoke: After repeating what Mr. Danforth just said, his other comments were that Mr. Danforth wants a 4 1/2 ft. setback. He gained 2 1/2 ft. out of 16 ft. He's giving up 1 1/2 ft on the setback rather than loose 2 1/2 ft.

Mr. Rabbia: You aren't going to use that slab are you?

Dave (?): No.

Mr. Rabbia: When you extend the house towards the side property line, are you going to follow the same rear line of the house? No deeper or bigger?

Mr. Danforth: No, just extend it.

Dave (?) : Both neighbors on both sides have the same identical thing.

Mr. Rabbia: I know you've got 24 ft. as the depth of the addition and you're actually going to make it 24.4 ft, right? You're going to follow the same depth of the house.

Dave(?): Right.

Mr. Stassi: Is the whole thing going to get roofed or are you attaching right into it?

Dave (?): The electricity comes in on that side so we'll see if we can switch to a "312"-- we can just drop the roof down below. If not, we'll have to relocate the electricity and extend the roof out.

Mr. Stanton: The other thing I'm seeing here is that the minimum offset on the north side of the house is 8 ft. If I take the 8 ft. and the 4 1/2 ft., that's 12 1/2 ft., which means we'll need a third variance for the 15 ft. total for an R-10.

Mr. Natali: The setback is at 9 ft. and 6 ft. and you're at 8 ft. and 2 ft.

Mr. Natali opened the Public Hearing at 9:05 P.M.

FOR: NONE  
AGAINST: NONE

The Public Hearing was closed at 9:06 P.M.

Mr. Stanton reviewed the 5 factors for the Area Variance Findings and Decisions. There being no objections, Mr. Stanton made a motion to approve the Area Variance for William Danforth III, 7911 John Huss Ave., to construct a residential addition on a lot 65 ft. where 75 ft. is required and 120 ft. depth where 125 ft. is required, a side setback of 4.5 ft. where 6 ft. is required, and a total setback of 12.7 ft. where 15 ft. is required. Mr. Rabbia seconded the motion.

Motion was put to a vote, resulting as follows:

Mr. Rabbia: Yes  
Mr. Wilcox: Yes  
Mr. Stassi: Yes  
Mr. Stanton: Yes  
Mr. Natali: Yes

Motion duly carried.

**AREA VARIANCE FOR ROBERT COLIN, 5942 LAKESHORE RD.,  
TO CONSTRUCT A SHED ON A NON-CONFORMING LOT WITH  
A SIDE SETBACK OF 1 FT. (+/-) WHERE 15 FT. IS REQUIRED.**

Representative: Robert Colin, Owner

Mr. Colin : I'm a new resident and I'm asking for a variance for a shed. The shed has already been constructed. I'm now asking for a variance to keep the shed there, due to a hardship.

Mr. Rabbia: You didn't get a permit for the shed?

Mr. Colin: No, I'm new to the Town of Cicero and was ignorant of that.

Mr. Natali: Where did you live prior?

Mr. Colin: Hastings, Clay, then here.

Mr. Natali: No idea that you needed a permit?

Mr. Colin: No idea. It was what would I like. What would I build to enhance my life. I'm a 40 % disabled vet and my problem is deteriorating. I want to build close so I could have access to my tools without having th go too far. That was my decision. The size was for all the equipment and tools I have. A couple of people that I've spoke with were the school maintenance employees. I was concerned maybe they would not want me to build it there or they might not like it. They said it wasn't a problem because they're going to tear that area down anyway. They're giubg ti utilize it as a parking lot. So no one had a complaint.

Mr. Natali: It was school employees? And they didn't say "you know you should get a permit" ?

Mr. Colin: If I was aware , I would have been here prior to construction.

Mr. Stanton: My biggest fear, in looking at this, is that we have a fence line that appear to be on the school property line. Your shed, which looks like it's a lot less than a foot setback from that fence. You couldn't even get siding on the back of that. Even if we approved the 1 ft. that shed's got to move. The other thing is that we have a minimum within the Town Code. The Code says it may be installed 3 ft. from the rear property line and that sidelin setbacks are determined by the Zoning District. You're in a General Commercial Zone. So now we're at a 15 ft. side setback. I see a lot of room on your lot where a shed could possibly go, closer to the house, where it might be more convenient for yyou to access it, rather than wneve it is up against the fence. We can't bank on the fact that the school's going to take the fence down or that they're going to construct a parking lot. We have to look at what the conditions are right now.

Mr. Colin: The convenience, when I constructed it, to go to the side of the driveway so I could drive up to it and unload, without carrying heavy equipment back and forth.

Mr. Wilcox: When I talked to you, you said you could move it forward a couple feet without too much trouble.

Mr. Colin: That's possible. I could build a couple more pilings and slide it the required 3 or 4 ft. from the fence. To move it to the back yard, I'd have to move a tree and a fence. That would be difficult. How would I do it ?

Mr. Stanton: Nobody mentioned the back yard. The way I'm looking at this, it could be put parallel with the driveway, as far as what the survey shows. Assume we were to entertain a 5 or 6 ft. setback that would be normal for residential, that shed could actually be moved parallel to the driveway, right up against it. So you could actually drive right up to it, staying on your asphalt driveway, not having to leave that. I believe there's an envelope next to your house to install that and still stay within a reasonable setback.

Mr. Wilcox: The problem is the land is not level. If he pulls it forward, it's going to be up or down.

Mr. Natali: I'm sure you could adjust that. Right now, we're looking for a compromise. We're trying to help you. Do you want to side the back of that?

Mr. Colin: I put the siding on before I built it.

Mr. Stanton: What did I see above the fence line?

Mr. Colin: That's because Steve, in Zoning, came and he gave me a courtesy request so I stopped working on it. There's two pieces missing on the back.

Mr. Natali: How did you think they were going to be able to paint that fence to preserve the wood?

Mr. Colin: They told me they were going to tear the fence down and the brick building down within a year. The maintenance department is going to be moved to Taft Rd. So, I thought there would be no problem and that a chain link fence would be placed there instead.

Mr. Stassi: How far would you need to move it ?

Mr. Colin: Moving it west away from the wall ?

Mr. Wilcox: Toward the driveway.

Mr. Colin: I measured 1 ft. I understand from the Fire Code, I have to be 3 ft. from the property, so I have to move it at least 2 1/2 or 3 ft.

Mr. Wilcox: You might have to go a little more than that.

Mr. Colin: I could do that. I'd have to slide the building over.

Mr. Rabbia: What does the scale say? What's the ruler say from the side property line to that corner of the driveway ?

Mr. Stanton: We've got approximately 15 or 16 ft. , measured parallel to the back of the driveway.

Mr. Rabbia: We're trying to figure out how much distance you have from that south east corner of your driveway to the property line. Your shed is 8 ft. deep, right? We can get you at least 6 ft. from that property line.

Mr. Natali: Are you talking about putting it at the end ?

Mr. Dean: One thing to keep in mind, that drawing isn't quite accurate. The shed is not on the side of the house, it's more in the front. Another thing to keep in mind is that front property line shown on the drawing is actually the center line of the road.

Mr.natali: OK. How about the south end--the short south end ?If you swing that so it butts up against the house and parallels the back of the driveway. You're going to put a door on that. That would be facing your driveway. So if you backed up to it, you'd be right at the door of your shed.

Mr. Colin: I have the dimensions pretty well on yours.

Mr. Stanton: Am I correct in saying we can't tell him where to build it, only where he can't build it?

Mr. Colin discussed the dimensions of his property with the Board.

Mr. Dean: I'm still requiring a 5 ft. seperation between the shed and the house. I don't want it butted up to the house.

Mr. Natali: Will we still have 6 ft. on the side setbacks?

Mr. Rabbia: I think if we slide it to the west.

Mr. Natali: Do we want the north side to be beyond the house like it's drawn here?

Mr. Rabbia: That's the one thing I don't know.

Mr. Natali: Would you object if we asked you to get a new survey and have exactly what you want drawn in?

Mr. Colin: I'd like to slide it to the west. I spoke to the neighbors and they have no objections.

Mr. Natali: I don't want it in the front yard as far as it is, unless I'm totally wrong--why can't we keep it further west and south.oning

Mr. Dean: The front edge in line with the front of the house?

Mr. Colin: Discussed the roots of the tree.

Mr. Wilcox: Not if you go directly west.

Mr. Rabbia: I agree with Gary. When I first looked at it I was shocked at how close it was. My recollection is that it was well in front of the house, almost in your front yard. I don't recall what you have drawn on the survey here. My memory's telling me it's closer to the road than what you have drawn and I need to go back and look at it again to see if that's the case or not. In my opinion, if it's located where you have it on the survey, I would advocate you to move it to the west 5 or 6 ft.

Mr. Stanton: In a General Commercial District, we have a 50 ft setback.

Mr. Dean: That whole corner, from the corner up to the School is General Commercial.

Mr. Colin: My Realtor said they wanted to go Commercial but she said it didn't go thru that way and it stayed residential.

Mr. Dean: That's not true.

Mr. Natali: How about we defer this until next month and we'll go back out and look at it --you're not in a hurry are you? You might want to start lining up a derrick. You're on a main road, it does change the character of the neighborhood. I've never seen a shed in the front yard. I guarantee it's not even close to the house.

Mr. Natali made a motion, seconded by Mr. Rabbia, to defer this to the October 6, 2008 meeting, so that we all can take another look at this and we'll try to be available.

Mr. Colin: I have a tight schedule because I'm going to OCC for retraining classes.

Mr. Dean: The best thing to do would be to have it staked. If you're going to have it surveyed, have the surveyor stake it.

Mr. Natali: We didn't request a new survey at this point. We'll look at it again.

Mr. Dean: I'm saying stake out the corner of the shed, where the new location will be.

Motion was put to a vote, resulting as follows:

Mr. Rabbia:	Yes
Mr. Wilcox:	Yes
Mr. Stassi:	Yes
Mr. Stanton:	Yes
Mr. Natali:	Yes

Motion duly carried.

Motion and unanimous approval made to adjourn the meeting at 9:30 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 the meeting of the said Board of Appeals, held September 10, 2008 and took minutes of said meeting, do hereby certify that the foregoing is a true and correct transcript.