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STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: July 6, 2016
PLACE: CICERO TOWN HALL
TIME: 6:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday, July 6, 2016 at 6:00 P.M., at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039

Members Present:	Gary Natali	Chairman
	Charles Stanton	Deputy Chairman
	Mark Rabbia	Board Member
	Gary Palladino	Board Member
	Terri Lockett	Ad hoc Board Member

Members Absent:	Rita Wicks	Board Member
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Others Present:	Terry Kirwan, Esq.	Attorney, Kirwan Law firm
	Richard Hooper	Director Code Enforcement
	Ann Marie August	Recording Clerk

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

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

Mr. Natali: Has everyone read the minutes from the June 6, 2016 meeting? Are there any corrections?

Board: No response.

MOTION by Mr. Rabbia seconded by Mr. Palladino to approve the minutes from the June 6, 2016 meeting.

Motion was put to a vote, resulting as follows:

Mr. Rabbia	Yes to the Motion
Mr. Palladino	Yes to the Motion
Ms. Lockett	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

In favor: 5 Opposed: 0 Abstained: 0 Motion approved

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

We have proof of posting of all items on tonight's agenda.

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

Motion was put to a vote, resulting as follows:

Mr. Rabbia	Yes to the Motion
Mr. Palladino	Yes to the Motion
Ms. Lockett	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

In favor: 5 Opposed: 0 Abstained: 0 Motion approved

Mr. Natali: We have all been here before so I won't go through reviewing the process of the proceedings.

**LEANNA KIRCH
7414 LAKESHORE ROAD,
AN AREA VARIANCE WHERE THE PROPOSED ADDITION IS AN EXPANSION OF THE NON-
CONFORMING STRUCTURE. THE EXISTING STRUCTURE HAS A MINIMUM SIDE YARD OF
3.8 FEET WHERE 6.0 FEET IS REQUIRED.**

Rich Krenzer (Architect for the Applicant): I'm sure you've reviewed what the project at hand is. The existing house is 3.8' off the side property line where 6.0' is required. All new work, the new deck, the new hot tub pad and the small addition will be 7.0' or greater off that property line. So really this is a pre-existing, non-conforming condition and she'd just like to make these minor little improvements to the house and add a six-foot privacy fence in the rear of the house as well for her dog.

Mr. Natali: Quick question. Any intention of enclosing the deck in the future?

Mr. Krenzer: No, no. It won't even be constructed to do so.

Mr. Natali: Okay, good.

Mr. Krenzer: She's putting a trellis, it's an open air trellis over the hot tub is all.

Mr. Natali: Okay. Any questions?

Mr. Stanton: The only thing I'd like to mention and I am hoping you have a copy of the Onondaga County Planning Board's decision.

Mr. Krenzer: I don't.

Mr. Stanton: Okay we can get a copy of that for you. Essentially what they said is that they have determined that the referral will have no significant adverse inter-community or county-wide implications.

Mr. Natali **opened the Public Hearing at 6:05 pm.**

Mr. Natali: Is there anyone here who would speak for this variance?

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

Mr. Natali **closed the Public Hearing at 6:05 pm**

Mr. Natali: Any other questions?

Mr. Stanton: Mr. Chairman I will make a motion but before I do so, I would like to go over the five factors that we need to address in granting a variance.

Factor 1 – Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created? Answer: No.

Reasons: The proposed construction is located in the rear yard and conforms with the bulk requirements.

All agree.

Factor 2 – Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an Area Variance. Answer: No.

Reasons: In order to construct the addition, which meets the bulk requirements, a variance is required due to the nonconforming nature of the lot and the existing structure.

All agree.

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

Reasons: No further expansion of existing nonconformities is proposed.

All agree.

Factor 4 – Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Answer: No.

Reasons: Reference Factor #1. In addition, the Applicant proposes to remove a roughly 35 foot by 39 foot (1,365 square feet) impermeable area of asphalt and replace it with grass, which will increase the overall permeable area of this property.

All agree.

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

Reasons: Applicant is choosing to construct an addition to an existing nonconforming structure on an existing nonconforming lot. It should be noted that this is not necessarily a reason to deny the variance.

Factor 5 -All agreed.

MOTION by Mr. Stanton, seconded by Mr. Natali, on behalf of Leanna Kirch, 7414 Lakeshore Road, to allow an addition to a non-conforming structure on an existing non-conforming lot where the non-conformities will not be expanded or enlarged. The existing lot area is approximately 7,867 sq. ft. where 10,000 sq. ft. is required.

The minimum lot depth is 116.9 feet where 125' is required. The existing rear yard is no less than one foot where 30' is required and the side yard is no less than 3.8' where 6' is required. All new construction will conform to the bulk requirements for an R-10 zone. With that I would like to include a condition in there that the applicant will remove the pavement in the rear yard as depicted in the drawing entitled "Site Plan for Leanna Kirch" dated June 1, 2016 and replace said asphalt with grass.

Mr. Palladino: Did you pick up the total side yard setback?

Mr. Stanton: When I looked at the total side yard setback, I looked at the contiguous structure so the 3.8' doesn't necessarily add to the 4.9'.

Mr. Palladino: To get to 15'?

Mr. Stanton: Right, so for the house you have the 3.8' plus the 24.7' which hits that.

Mr. Palladino: I see. I didn't know if the total yard setback was taking the 4.9' off the garage and add it to the 3.8' off the house? Or is it the 3.8' off the house plus the 25'? Where does the total 15' side yard setback come into play?

Mr. Hooper: That's the total and you've got a minimum of 6' right?

Mr. Palladino: Yeah.

Mr. Krenzer: But the garage is a secondary building, it's not the primary building.

Mr. Stanton: When I looked at it I saw it as two separate structures so it's hard to cherry pick.

Mr. Palladino: And I was looking at the two structures but they are both less than 6' and they're both on the property line, one to the east and one to the west.

Mr. Stanton: I honestly think we've been back and forth on that over the years as far as how we count it.

Mr. Palladino: Okay whatever you want.

Mr. Stanton: I'll just make the note that for the purposes of the side yards we are looking at the individual structures not all of them in totality.

Motion was put to a vote, resulting as follows:

Mr. Rabbia	Yes to the Motion
Mr. Palladino	Yes to the Motion
Ms. Lueckett	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

In favor: 5 Opposed: 0 Abstained: 0 Motion approved

Zoning Board of Appeals
Town of Cicero

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

Respectfully submitted,
Ann Marie August, ZBA Recording Clerk