

**Town of Camillus
Zoning Board of Appeals
January 6, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
George Burke, Vice Chairperson
Rich de la Rosa
Bob Feyl
Ron Belle
Keith DiBello

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Two others

ABSENT:

None

Chairperson Flood called the meeting to order at 6:58 p.m., followed by the Pledge of Allegiance.

Public Hearings:

1. **AT&T /Richard Buckley (Project Owner)**
6118/6720 Devoe Road
Camillus, NY 13031

TM#: 006.-01-05.1

Special Use Permit: For a 20' extension to an antenna with modifications.

Chairperson Flood stated that the application has been withdrawn and read into record an email received from Richard Buckley. (See attached)

Mr. Burke motioned to withdraw the application without prejudice. Mr de la Rosa seconded the motion and it was unanimously approved.

Comments of the Public

None

Comments of Town Officials

None

Old Business

Organizational

Mr. Burke made a motion to recommend Mr. Carr as ZBA Attorney. Mr. Feyl seconded the motion and it was unanimously approved.

Mr. de la Rosa made a motion to recommend Krista Kenna as ZBA Clerk. Mr. Belle seconded the motion and it was unanimously approved.

New Business

None

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the December 2, 2008 meeting. Mr. Belle seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from Hummel's Office Plus for supplies totaling \$18.99.

A voucher was received from Melvin & Melvin for legal fees totaling \$156.25.

Mr. Burke moved to approve payment of the vouchers. Mr. Feyl seconded the motion and it was unanimously approved.

Correspondence

Chairperson Flood reminded the Board of the Onondaga County training seminar scheduled for January 21 at the Syracuse Oncenter.

Comments of the Board

Mr. Feyl expressed his concern regarding the process of selecting a new ZBA member.

Chairperson Flood stated that until recently she was not privy to specific information and confidentiality prevented her from discussing or sharing information until decisions on recommendations were made.

Chairperson Flood introduced Mr. LaFlair to the Board, as he will be on the Town Board agenda for recommendation to fill the vacant ZBA position.

Mr. Feyl suggested that the Board recommend to the Town Board that the ZBA move to 12 meetings per year to help with the budget.

Chairperson Flood commented that the budget has already been approved for this year and if the meetings stay light for 2010, the ZBA will most likely move to 12 meetings per month, however, this year will remain at two meetings per month.

Mr. Burke questioned the height of the existing cell tower located at 6118/6720 Devoe Road and if the original application was ever modified, requesting that the Camillus Code Enforcement office review this information.

Adjournment

Mr. Feyl made a motion to adjourn the meeting at 7:31 p.m. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
February 3, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Bob Feyl, Vice Chairperson
Rich de la Rosa
Ron Belle
Keith DiBello
Michael LaFlair

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

None

ABSENT:

George Burke

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Public Hearings:

None

Comments of the Public

None

Comments of Town Officials

None

Old Business

Chairperson Flood reminded the Board members to submit their seminar certificates to the ZBA Clerk to be logged.

New Business

None

Minutes of Previous Meeting:

Mr. de la Rosa moved to approve the minutes of the January 6, 2008 meeting. Mr. Feyl seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from Hummel's Office Plus for supplies totaling \$28.00.

Mr. Feyl moved to approve payment of the vouchers. Mr. DiBello seconded the motion and it was unanimously approved.

Correspondence

Chairperson Flood reminded the Board of the Onondaga County Training Seminar survey and asked that it be completed and submitted to the ZBA Clerk to be mailed out.

Comments of the Board

After a detailed discussion regarding the advertisements of the ZBA Public Hearings, Mr. Feyl motioned to advertise the ZBA Public Hearings in the Post-Standard instead of the Advocate. Mr. de la Rosa seconded the motion.

The foregoing resolution was duly put to vote which resulted as follows:

| | | |
|--------------------|--------|--------|
| Josephine Flood | Voting | YES |
| Robert Feyl | Voting | YES |
| Ronald Belle | Voting | YES |
| Keith DiBello | Voting | NO |
| Richard de la Rosa | Voting | NO |
| George Burke | Voting | ABSENT |
| Michael LaFlair | Voting | YES |

Chairperson Flood stated that the motion is granted.

Adjournment

Mr. Feyl made a motion to adjourn the meeting at 8:07 p.m. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
March 3, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Bob Feyl, Vice Chairperson
Rich de la Rosa
Ron Belle
Keith DiBello
Michael LaFlair

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

1 Other

ABSENT:

None

Chairperson Flood asked that the Board take a moment of silence for a man who was very dedicated to his community and especially this Board, longtime member and Chairman, Mr. George Burke.

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the public hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

Public Hearings:

**1. Kandon LLC (Cheeburger Cheeburger)
5362 West Genesee Street
Camillus, NY 13031**

TM#: 035.-05-28.1

Special Use Permit: For a small restaurant in C-1 district.

Mr. Art Kanerviko appeared before the Board to discuss the Kandon LLC (Cheeburger Cheeburger) application stating they would like to rent the vacant 'Quizno's' space on the end of the Aspen Dental Plaza to 'Cheeburger Cheeburger'. Mr. Kanerviko stated that the exterior of the building would not be altered in any way and will remain the same other than replacing the 'Quizno's' sign with a 'Cheeburger Cheeburger' sign. Also noting that the ventilation will remain in place and is dependant upon their architects' plans but will be concealed from the road and side view.

Mr. Kanerviko added that Kandon LLC did not think a restaurant of this size needed to appear before the ZBA, however, has now been made aware that a Special Use Permit is required and that is why he is before the Board this evening.

Mr. Kanerviko stated that 'Cheeburger Cheeburger' started on Sanibel Island in Florida and is a boutique style, specialty cheeseburger store having hundreds of malt shake combinations. Seating will consist of around 44 seats, having eleven tables, booths or a mix there of. Hours of operation will be Sunday – Thursday 11 am to 9 pm, with Fridays and Saturdays from 11 am to 10 pm.

Mr. Kanerviko provided detailed information regarding the grease handling system and does not perceive smells to be any worse than 'Quizno's' were. Mr. Kanerviko stated they are looking to replace one Special Use with another of similar hours and size and feels 'Cheeburger Cheeburger' would be a nice addition to the area.

Chairperson Flood questioned if the Code Enforcement office has been informed of the specifics regarding the ventilation system. Mr. Kanerviko stated he has an open-ended status with the Code Enforcement Office and is here this evening to make things right. Mr. Kanerviko stated that he has been informed that top of the line equipment will be used and if there is something else that is required, they will do their best to accommodate.

Chairperson Flood stated that there were no site plan issues in a letter received from Planning Board Attorney, Paul Curtin dated February 24, 2009. The letter was entered into the record. (See attached)

Chairperson Flood questioned if the majority of their business would be take-out. Mr. Kanerviko stated that he feels they will have a similar seating area as 'Quizno's' and was not sure.

Mr. de la Rosa stated that he really does not see a problem with this request.

Mr. DiBello stated he did not see any issue with this request as he felt it was a quick swap out from one small restaurant to another.

Mr. LaFlair stated that he agrees with Mr. DiBello and feels the impact should be minimal.

Mr. Belle questioned if it was mostly take-out. Mr. Kanerviko stated that he was not sure but felt that it would be a place to go and sit down to have lunch and does not believe they will have a heavy in and out traffic as there is no drive-thru. Mr. Belle questioned if parking would be an issue and if there was adequate parking spaces. Mr. Kanerviko stated that they had more than enough parking spaces to accommodate.

Mr. Feyl noted that the previous tenant 'Quizno's' was sited for a banner being displayed by the road. To negate 'Cheeburger, Cheeburger' from getting a letter from the Camillus Code Enforcement Office, he is asking that Mr. Kanerviko work with Code Enforcement and provide a copy of the laws and regulations for signage to the new tenant.

Chairman Flood commented that she has an issue with the dumpsters in the back and questioned who maintained the area where the dumpsters are located. Mr. Kanerviko stated that on a daily basis, the tenants are responsible to maintain the area; however, they ultimately would fall on Kandon LLC. Mr. Kanerviko noted that visually they are set on an angle and not plum to the building.

Chairperson Flood stated that in her opinion, she does see a need for granting this request for a Special Use Permit since a similar small restaurant operation was already on this site. Chairperson Flood also commented there is not this type of small restaurant on this side of town and feels they will be a welcome addition.

Mr. Feyl motioned to close the Public Hearing, seconded by Mr. Belle and it was approved unanimously. Chairperson Flood stated that a decision will be made within 62 days and the applicant will be notified, but it most likely would be decided tonight if he would like to stay.

Comments of the Public

None

Comments of Town Officials

None

Old Business

None

New Business

1. Fritz Albiker (d/b/a: Tree Landers Tree Service, LLC) TM#: 007.-03-05.2
6429 Van Buren Road
Syracuse, NY 13209

Special Use Permit: To allow the construction of a 40' x 84' coverall building.

Mr. Feyl motioned to declare this a Type II action under SEQR and set a public hearing for March 17, 2009. Mr. de la Rosa seconded the motion and it was unanimously approved.

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the February 3, 2009 meeting. Mr. LaFlair seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from Melvin & Melvin for legal fees totaling \$750.00.

Mr. de la Rosa moved to approve payment of the vouchers. Mr. DiBello seconded the motion and it was unanimously approved.

Correspondence

None

Comments of the Board

Chairperson Flood reminded the Board that it is mandatory by NYS for each member to earn four credit hours for training each year. Since there is not going to be another seminar given by Onondaga County Planning, any member still requiring hours will need to seek outside accredited courses or go to an adjoining county before the end of 2009.

Mr. de la Rosa requested an updated copy of the employee phone directory.

Decisions

1. Kandon LLC (Cheeburger Cheeburger)
5362 West Genesee Street
Camillus, NY 13031

TM#: 035.-05-28.1

Special Use Permit: For a small restaurant in C-1 district.

Mr. Feyl made a motion to grant the Special Use Permit for Kandon LLC(Cheeburger Cheeburger) to conduct a cheeseburger restaurant as a "Small Restaurant"; limited to the sale of prepared food and non-alcoholic beverages and does not provide drive-thru pick up services; that the proposed business does not exceed 3,500 square feet; that the proposed exhaust fan is positioned so as to minimize to occasion for the migration of cooking odors to adjoining residential properties to the north; and the proposed business development would not change the essential character of neighborhood and it is not otherwise a detriment to the public health, safety and welfare of the area. Mr. Belle seconded the motion and it was unanimously approved.

Adjournment

Mr. Feyl made a motion to adjourn the meeting at 7:38 p.m. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
March 17, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Rich de la Rosa
Ron Belle
Keith DiBello
Michael LaFlair

ABSENT:

Bob Feyl

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

John Fatcheric, Planning Board Chairman
Mark Pigula, Highway Superintendent
Roger Pisarek, 1st Ward Councilor
Kathy MacRae, 2nd Ward Councilor
1 Other

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the public hearing notices. Mr. DiBello seconded the motion and it was unanimously approved.

Public Hearings:

- Fritz Albiker (d/b/a: Tree Landers Tree Service, LLC)
6429 Van Buren Road
Syracuse, NY 13209**

TM#: 007.-03-05.2

Special Use Permit: To allow the construction of a 40' x 84' coverall building.

Dan Fabrizio appeared before the Board to discuss the Tree Landers application for a 40' x 84' coverall building. Mr. Fabrizio stated that the building's sole purpose would be used for cold storage and will be used to store firewood. Mr. Fabrizio stated that the proposed building will be identical to the existing coverall building and will have no utilities.

Chairperson Flood read a letter from the Camillus Planning Board stating they do not have any opposition to this request and do not have any specific site plan issues. The letter was entered into the record. (See attached)

Mr. Belle stated that he had no opposition to this request as he felt the proposed coverall building would be located far enough back on the property. Mr. Fabrizio stated that the existing building was at least 150' back on the property.

Chairperson Flood noted that this request was before the Board this evening simply to adjust the existing Special Use Permit.

Mr. LaFlair stated that he has no issues with this application as the proposed building is identical to the existing and the setbacks are fine.

Mr. DiBello confirmed the size of the proposed coverall building to be 40' x 84' in size.

Mr. de la Rosa stated that in his opinion he would have liked to see the proposed building parallel to Van Buren Road as it would be much nicer to the eye as in doing so it would be unseen.

Chairperson Flood commented that she felt the Tree Landers property is extremely well kept and always looks good.

Comments of the Public

None

Comments of Town Officials

Kathy MacRae, 2nd Ward Councilor stated that she submitted a letter as she did not think she would be able to attend tonight's meeting, however, has no issues and supports this request as the property is very well maintained and she has not received a single complaint regarding Tree Landers over the years.

Mark Pigula, Highway Superintendent stated that he was also in favor of Tree Landers request as they are a good company that provides quality service often used by the Town of Camillus and so he wholeheartedly supports this request.

John Fatcheric, Planning Board Chairman stated that he used to live on VanBuren Road and is in favor of the application and feels the town should support small businesses and fully support this applicant.

Chairperson Flood motioned to close the Public Hearing, seconded by Mr. de la Rosa and it was approved unanimously. Chairperson Flood stated that a decision will be made within 62 days and the applicant will be notified, but it most likely would be decided tonight if he would like to stay.

Old Business

None

New Business

None

Minutes of Previous Meeting:

Mr. de la Rosa moved to approve the minutes of the March 3, 2009 meeting. Mr. DiBello seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from The Post-Standard for legal advertisements totaling \$77.56.

Mr. LaFlair moved to approve payment of the vouchers. Mr. DiBello seconded the motion and it was unanimously approved.

Correspondence

Chairperson Flood stated that she received a brief note from Tom Dugan thanking her for sending his nameplate as he now has it displayed in his recreation room at home.

Comments of the Board

Chairperson Flood stated that there are three potential candidates from the 6th Ward to fulfill the open Board position and will be speaking with the personnel committee. Also noting that interviews for the open Board position will be held in early April and will let the ZBA members know when that happens.

Decisions

- 1. Fritz Albiker (d/b/a: Tree Landers Tree Service, LLC)
6429 Van Buren Road
Syracuse, NY 13209**

TM#: 007.-03-05.2

Special Use Permit: To allow the construction of a 40' x 84' coverall building.

Mr. de la Rosa motioned to amend the Special Use Permit to allow the construction of a second 40' x 84' coverall building as located on the map submitted as dated February 19, 2009. Mr. Belle seconded the motion and it was unanimously approved.

Adjournment

Mr. de la Rosa made a motion to adjourn the meeting at 7:15 p.m. Mr. DiBello seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
April 21, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Rich de la Rosa
Bob Feyl
Ron Belle

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Michael LaFlair
Two Others

ABSENT:

Keith DiBello

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the public hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

Public Hearings:

**1. Northside Collision / Gary Bell
509 Hinsdale Road
Camillus, NY 13031**

TM#: 017.-05-62.1

Use Variance: To place a sign located on the back of the building.

Scott Jones appeared before the Board to represent and discuss the Northside Collision application for a Use Variance to place an illuminated 45 square foot sign on the back of the building. Mr. Jones stated they would be placing the sign on the back part of the smaller building that faces Route 695 and would not be visible from Hinsdale Road. Mr. Jones approached the Board providing pictures of the proposed sign and location.

Mr. Jones stated that the purpose of this request was for visual recognition to promote the location of the store.

Chairperson Flood questioned whether the proposed sign would be the only signage on the building. Mr. Jones confirmed only the proposed signage would be on the building.

Mr. Feyl stated that this type of request for a roof-mounted sign is not allowed in the Town of Camillus. Mr. Feyl questioned if placing the sign on the wall of the building instead of the roof was a consideration. Mr. Jones stated that several NiMo trucks park along that side of the building and visibility could be a problem. Mr. Feyl questioned the elevation of the building. Mr. Jones stated that he did not know the elevation. Mr. Feyl stated that if the elevation of the building vs. the elevation of the bypass were known, one would know if visibility was an issue. Mr. Feyl stated that he personally felt it was difficult to make any determinations without having numbers to go by.

Mr. LaFlair questioned the distance to Route 695 from the back of the building. Mr. Jones stated that he did not know.

Chairperson Flood questioned whether the building had more than one floor. Mr. Jones confirmed the building had only one floor.

Chairperson Flood questioned whether the roof-mounted sign was the original request submitted to the Camillus Code Enforcement office, as it seems the applicant was not aware of this request being illegal. Mr. Jones stated that the original application was submitted with the photo attached showing placement of the sign located on the top of the building and that he was not aware that this type of request was not allowed in the Town of Camillus.

Mr. Carr questioned which building the sign would be placed on. Mr. Carr commented that under a commercial C-5 district one could have a sign on the face of the primary building if not contemplating to place it on the face of an accessory building.

Mr. de la Rosa stated that he would like the applicant to consider other options. Mr. de la Rosa questioned whether the sign could be placed on the end of the primary building facing Route 695 as it has enough height to be visible and can be placed on the building instead of the roof, eliminating the request for a sign being placed on the accessory building.

Mr. Belle questioned whether any signage was planned for the primary building.

Chairperson Flood stated that the Board would need dimensions of the building's total square footage, elevations of the building along with elevations of Route 695, as well as other options for placement of signage on the property or buildings besides the elevated sign requested.

Chairperson Flood questioned whether the trailer would be removed from the back of the building and if the property would be cleared. Mr. Jones confirmed that the trailer would be removed from the back of the building and that it will be cleared, as the plan is to pave the entire back area. Chairperson Flood questioned what they anticipated storing outside the buildings. Mr. Jones stated that they do not store cars nor do they provide towing. He stated they will use the back area for parking of any wrecked cars waiting insurance approval, however, they will not sit there for more than a couple of days, as it is important to get the cars repaired and back to the clients. Any cars that cannot be repaired will be taken off the premises.

Mr. Belle questioned whether there were directional signs to the entrance of the buildings on Hinsdale Road. Mr. Jones stated that they do not have directional signs.

Mr. Feyl moved to continue the Public Hearing until May 5, 2009. Mr. de la Rosa seconded the motion and it was unanimously approved.

Comments of the Public

None

Comments of Town Officials

None

Old Business

None

New Business

1. **Dan M. Capucilli Jr.**
113 Blackmore Road

TM#: 063.-01-20.0

Area Variance: as proposed addition encroaches into the front yard setback approximately 5 feet.

Mr. Belle moved to declare this a Type II action under SEQR and set a public hearing for May 05, 2009. Mr. Feyl seconded the motion and it was unanimously approved.

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the March 17, 2009 meeting. Mr. Belle seconded the motion and it was unanimously approved.

Vouchers

None

Correspondence

None

Comments of the Board

Mr. Belle questioned whether interviews for the open ZBA position were conducted. Chairperson Flood stated that interviews have been conducted and an applicant has been selected and will be in front of the Town Board for approval.

Mr. Belle commented that two meetings a month are good as the applicant does not have to wait several weeks to appear in front of the Board as with this applicant here tonight.

Chairperson Flood noted that Aaron Manor appeared in front of the Board for signage some time ago. The old signs were not removed when approved new signage was erected. Chairperson Flood stated that she has notified the Code Enforcement Office to send a letter to Aaron Manor management and resolve this issue.

Chairperson Flood requested that the employee list be updated.

Decisions

None

Adjournment

Mr. Feyl made a motion to adjourn the meeting at 7:43 p.m. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
May 5, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Ron Belle
Rich de la Rosa
Keith DiBello
Bob Feyl
Michael LaFlair
Steve Pirro

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Dave Cooke, 5th Ward Councilor
3 others

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. She welcomed the Board’s newest member, Steve Pirro, who represents the 6th Ward.

Mr. Feyl moved to waive the reading of the Public Hearing notices. Mr. de la Rosa seconded the motion and it was unanimously approved.

Public Hearings:

**1. Northside Collision / Gary Bell
509 Hinsdale Road
Camillus, NY 13031**

TM#: 017.-05-62.1

Use Variance: To place a sign located on the back of the accessory building.

Gary Bell appeared before the Board to discuss the application. His partner, Scott Jones, appeared at the previous meeting wherein they requested a sign on the roof of the accessory building on the property. They have made some changes to their plan and are now seeking a variance to place a 44.4 square foot sign on the northerly facing side of the accessory building, overlooking the National Grid property and the Route 5 bypass.

Mr. Feyl noted he has researched this matter by performing numerous drive bys of the property and interviewing patrons of the adjacent Fastrac market. He stated his belief that placing both signs on the main building, one on the easterly facing side and one on the northerly facing side, would provide ample visibility for the business from both Milton Avenue and the Route 5 bypass. Additionally, he suggested putting a directional sign to the property on Hinsdale Road and eliminating the proposed freestanding sign on the southeast corner of the property since it isn’t near any of the building structures or property entrances.

Chairperson Flood stated she also performed drive bys and walked the property and believes that putting the sign above the doors on the northerly facing side of the building would provide greater height and visibility than the sign being proposed for the accessory building. She asked Mr. Bell if they had considered this option.

Mr. Bell stated they had considered that option, but chose the accessory building because it is closer to the Route 5 bypass and they didn’t realize they might be allowed to put two signs on the main building. He also noted that they are not able to place a directional sign on Hinsdale Road because they do not own the property. The access via Hinsdale Road is only allowed due to an ingress/egress easement on the other properties and those property owners are not in favor of allowing a directional sign for his business.

Relative to the freestanding sign, Mr. Feyl stated that the Town discourages pole signs, preferring monument style signs, and reiterated his belief that the sign serves no purpose, as it does not denote

any building or entrance to the property. Mr. Bell stated that because the sign would face the four way intersection, it would serve to identify their location to traffic coming north on Hinsdale Road and west on Milton Avenue.

Mr. Belle inquired who else uses the ingress/egress road. Mr. Bell stated that it is used by Fastrac customers and Mr. DiBello added that it also serves as emergency fire access to the Southern Container property.

Mr. Carr and Chairperson Flood explained the signage requirements according to the Town's laws, the confusion that has been created by the varying signage proposals that have been presented by the applicant, as well as the variances that might be considered to accommodate the applicant.

Mr. LaFlair stated his belief that placing both signs on the main building would provide adequate visibility.

Mr. Pirro commented that other commercial buildings in the area have multiple signs.

Mr. Belle stated his belief that the applicant's business needs the proposed signage for proper identification, given the location and lack of ability to place a sign at the entrance of the ingress/egress easement.

Mr. de la Rosa agreed that both main building signs are needed.

Chairperson Flood summarized the applicant's request for a variance has been revised to include a sign on the easterly facing side of the building (facing Hinsdale Road), a sign on the northerly facing side of the building (facing the Route 5 bypass), and an freestanding sign on the southeastern corner of the property facing Milton Avenue, for total signage of 160.4 square feet. Mr. Bell agreed that was their current request.

Chairperson Flood closed the Public Hearing.

**2. Dan M. Capucilli Jr.
113 Blackmore Road
Camillus, NY 13031**

TM#: 063.-01-20.0

Area Variance: as proposed addition encroaches into the front yard setback approximately 5 feet.

Mr. Capucilli appeared before the Board to discuss the application. He explained that they are seeking an area variance to allow a 5' x 15' extension of their garage in order to allow them the ability to add a mud room to their home.

Their plan proposes to build a mudroom off their kitchen, which would encroach into the current garage space and so they desire to extend the garage in order to regain the space lost for the mudroom. They desire the mudroom because the two entrances to the home inconveniently enter directly into the kitchen and living room respectively and because the home has limited storage space. He noted that they did explore a number of options with regard to this addition and found that this proposal was the most cost effective and has the most minimal impact the previously performed renovations to their kitchen.

Mr. de la Rosa inquired whether this addition would protrude out further than the profiles of the neighboring properties. Mr. Capucilli stated that all the homes to the west of their residence protrude further than the addition being proposed and that this change will not alter the appearance of his house such that it would be out of character with the look of the neighborhood.

Mr. DiBello inquired whether he had sought opinions from his neighbors. Mr. Cooke spoke on Mr. Capucilli's behalf noting that he talked to the surrounding neighbors and none expressed any objection to the Capucilli's proposed plan.

Mr. LaFlair confirmed that the setback is 31.6' and stated that the Capucilli's plan is a good approach to the project.

Mr. Belle inquired whether the door on the front of the house would be removed. Mr. Capucilli stated it would be replaced by a door on the side of the new addition.

Mr. Feyl inquired whether Mr. Capucilli considered adding to the back of his home and whether the driveway would still have room for two cars after the addition were built. Mr. Capucilli acknowledged they had considered options to add to the back of the home, but doing so would require renovations that are far more extensive in order to create access to the house and would negatively affect their previously renovated kitchen. Further, they wish to add some architectural interest to what they now consider a simple façade to the front of the home. He stated the driveway currently fits five cars and he anticipates having ample room for two after the addition were built.

Chairperson Flood noted that the sightline eastward from Peterson Drive is level and the existing landscaping in the area will block out the addition. The neighbors directly to the west will not be able to see the addition due to the slope of the topography. She inquired whether any landscaping was planned. Mr. Capucilli stated that the existing tree would need to be removed because it is dying and then the area would be landscaped.

Chairperson Flood closed the Public Hearing.

Comments of the Public

None

Comments of Town Officials

David Cooke, 5th Ward Councilor, spoke in favor of the application and stated that he visited the neighbors surrounding the Capucilli home and found no one that was opposed to the proposed addition.

Old Business

None

New Business

1. **Julie Gross**
108 Simmons Terrace
Syracuse, NY 13219

TM#: 054.-01-15.0

Special Use Permit: For a Home Occupation of a Hair Salon Business

Mr. LaFlair moved to set the Public Hearing for May 19, 2009 and refer the application to the Camillus Planning Board for site plan review. Mr. Belle seconded the motion and it was unanimously approved.

Discussion

The applicant requested that the Board briefly review the content of her application and provide an unofficial opinion as to whether there are any obvious indications of problems that would prevent her application from being approved. She has construction personnel lined up and, although she realizes only the decision rendered after the Public Hearing is official, she would like to gain some sense of her application's merit so she can make an educated risk assessment regarding committing to the construction schedule.

After discussion, the Board agreed this is a standard application and noted that there is precedent for one chair in-home hair salon businesses, but the true merits of the application would need to be reviewed at the May 19 meeting.

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the April 21, 2009 meeting. Mr. Belle seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from Melvin & Melvin for legal fees totaling \$1156.25.

Vouchers were received from the Post Standard for legal advertisements totaling \$76.73.

Mr. Feyl moved to approve payment of the vouchers. Mr. DiBello seconded the motion and it was unanimously approved.

Correspondence

Chairman Flood read a letter from Deputy Code Enforcement officer Tim O'Neill that he sent to the management of Aaron Manor regarding the old signage that was not removed when the new signage was installed. Chairman Flood stated that since then, the management has removed old signage.

Comments of the Board

None

Decisions

1. **Northside Collision / Gary Bell**
509 Hinsdale Road
Camillus, NY 13031

TM#: 017.-05-62.1

Use Variance: To place a sign located on the back of the building.

The Board engaged in a discussion of their concerns regarding the varying signage plans that have been submitted and the extensive variance being sought, which amounts to more than 50% of the standard allowance for total square footage of signage.

Mr. de la Rosa moved to grant a variance to allow an 80 square foot sign on the easterly facing side of the building (facing Hinsdale Road) and a 44.4 square foot sign on the northerly facing side of the building (facing the Route 5 bypass), as well as a 25 square foot variance on the total allowable signage, provided there is no freestanding sign on the property.

2. **Dan M. Capucilli Jr.**
113 Blackmore Road
Camillus, NY 13031

TM#: 063.-01-20.0

Area Variance: as proposed addition encroaches into the front yard setback approximately 5 feet.

Mr. Belle moved to grant an area variance to allow an addition to the residence extending 5' into the front yard setback. Mr. DiBello seconded the motion and it was unanimously approved.

Adjournment

Mr. de la Rosa moved to adjourn the meeting at 8:47 p.m. Mr. Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Temporary Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
May 19, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Ron Belle
Rich de la Rosa
Keith DiBello
Bob Feyl
Michael LaFlair
Steve Pirro

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Roger Pisarek, 1st Ward Councilor
Tom Price, Code Enforcement Officer
Jim Salanger, 4th Ward Councilor
2 others

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

Public Hearings:

- 1. Julie Gross
108 Simmons Terrace
Syracuse, NY 13219**

TM#: 054.-01-15.0

Special Use Permit: For a Home Occupation of a Hair Salon Business

Julie Gross appeared to discuss her application for a Special Use Permit to allow a home occupation. She submitted a document stating there are no objections to her home occupation, which has been signed by seven of her neighbors. She noted that the neighbors directly across the street have verbally expressed support of the business, but were unavailable to sign the document.

She stated the business would have no employees other than her, would operate from the basement of her home Tuesdays through Fridays and every other Saturday, and would serve a maximum of six clients throughout the day, although she does not anticipate having more than two clients on site at any given time. She noted her driveway could fit five vehicles so there would be no need for on street parking.

Chairperson Flood inquired whether the trailer and truck she observed at the residence were permanent. Ms. Gross stated they belong to her contractor and are only there temporarily.

Mr. Pirro inquired whether there would be signage installed. Ms. Gross stated she had no plans for a sign, but would put up a decorative flag to help clients identify the property.

Mr. Belle inquired whether the salon would have one or two chairs. Ms. Gross stated it would only have one chair, but she may have two clients on site at the same time.

Mr. Feyl reminded Ms. Gross that she may use the front door of the residence for the business and that she can install a 2 square foot sign if she so desires in the future.

Chairperson Flood inquired whether hair products would be available for sale. Ms. Gross stated she planned to do so after she receives her sales tax identification number.

Chairperson Flood also inquired whether any changes would be made to the front of the residence and what lighting was available. Ms. Gross stated she was not planning any changes to the residence and that there are two motion sensor flood lights on the garage and a standard light fixture on the porch near the door.

Mr. Feyl clarified that Ms. Gross' salon falls within the limit of 25% or less of the total residence square footage allowed for use for a home occupation.

Public Comment

Mike Steves, Ms. Gross' next door neighbor at 110 Simmons Terrace, stated his support of Ms. Gross' home occupation.

Mr. Salanger stated that, in light of the increasing prevalence of home businesses and in view of neighbors' support of this business, he had no objections to the Special Use Permit.

Tom Price, Code Enforcement Officer, stated the Planning Board had expressed concerns about the ceiling height and the handrail on the basement stairs. Ms. Gross stated the ceiling height would be seven feet and that there will be a handrail the length of the stairway. Mr. Price confirmed both of those items would comply with the law and noted that, no matter what is approved with regard to the Special Use Permit, Ms. Gross is obligated to conform to building code issues as part of obtaining a building permit to construct the salon area in her basement.

Ms. Gross questioned the necessity of a building permit because her understanding of the Town's Municipal Code is that she does not need one for basic remodeling. After a brief discussion of the matter by the Board, Mr. Price, Mr. Carr, and Chairperson Flood explained that any building permit issues are separate from the Special Use Permit to conduct the business itself, which is all the Zoning Board of Appeals would decide, and suggested Ms. Gross contact Mr. Price directly to discuss the matter further.

Chairperson Flood verified with Mr. Carr that the Planning Board referral is only advisory and that the Board can proceed to make a decision regarding the Special Use Permit without a formal response from the Planning Board.

Chairperson Flood closed the Public Hearing.

Comments of the Public

None

Comments of Town Officials

None

Old Business

None

NEW BUSINESS

Applications:

1. **Albert Valerino, Jr.**
6006 Newport Road
Camillus, NY 13031

TM#: 021.-10-11.0

Area Variance: Accessory structure in the side yard setback

Mr. Feyl moved to set a Public Hearing for June 2, 2009. Mr. Belle seconded the motion and it was unanimously approved.

2. **Stacy Barber**
203 Pinewood Drive
Camillus, NY 13031

TM#: 018.-05-05.0

Area Variance: Accessory structure in the side yard setback

Mr. de la Rosa moved to this a SEQR Type II action and to set a Public Hearing for June 2, 2009. Mr. DiBello seconded the motion and it was unanimously approved.

3. **Bethel Community Church**
200 Gillespie Ave.
Syracuse, NY 13219

TM#: 045.-11-14.0

Special Use Permit: Replacement accessory structure

Mr. LaFlair moved to set the Public Hearing for June 2, 2009. Mr. Belle seconded the motion and it was unanimously approved.

Minutes of Previous Meeting

Mr. Belle wished to edit paragraph six of page three to state he inquired whether the bay window on the front of the house would be removed.

Mr. Feyl moved to approve the minutes, as amended, of the May 15, 2009 meeting. Mr. de la Rosa seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from Hummel's Office Supply for office supplies totaling \$28.00.

Mr. Feyl moved to approve payment of the vouchers. Mr. de la Rosa seconded the motion and it was unanimously approved.

Correspondence

None

Comments of the Board

Chairperson Flood commented that the house being built on Beach Road is nearing completion and is looking quite nice.

DECISIONS:

1. **Julie Gross**
108 Simmons Terrace
Syracuse, NY 13219

TM#: 054.-01-15.0

Special Use Permit: For a Home Occupation (Hair Salon Business)

Mr. Feyl moved that, as the applicant meets the criteria outlined in Chapter 30, §1303 of the Municipal Code, the applicant be granted a Special Use Permit allowing her to conduct a hair salon as a home occupation. Mr. Pirro seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. de la Rosa moved to adjourn the meeting at 7:30 p.m. Mr. DiBello seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Temporary Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
June 2, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Ron Belle
Rich de la Rosa
Steve Pirro
Bob Feyl
Michael LaFlair

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Roger Pisarek, 1st Ward Councilor
Bill Davern, 3rd Ward Councilor
Kathy MacRae, 2nd Ward Councilor
Tom Price, Code Enforcement Officer
7 others

ABSENT:

Keith DiBello

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

Public Hearings:

1. **Albert Valerino, Jr.**
6006 Newport Road
Camillus, NY 13031

TM#: 021.-10-11.0

Area Variance: as owner would like build an accessory structure (40' x 60' Pole Barn) on property.

Mr. Valerino appeared before the Board to discuss his application for an Area Variance to build a 40' x 60' pole barn. He expressed frustration at having received incorrect information from the Camillus Code Enforcement office on two occasions. He stated that the first time he visited the Camillus Code Enforcement office, Mr. O'Neill told him the only requirement to build his pole barn was that it be 5' off the property line.

Upon the suggestion of his contractor, Mr. Valerino double checked that information with the Code Enforcement office, at which time Mr. O'Neill questioned the height of the pole barn, something that was never done during the first visit. Mr. Valerino relayed that, when he stated the height would be 21' in the back and 19' in the front, Mr. O'Neill then altered the requirements originally provided, stating that the building must 11' off the property line due to the height of the structure.

Mr. Valerino noted that, upon his third visit to the Code Enforcement office at which time he intended to obtain a permit, Mr. Price informed him that the requirements previously provided to him were incorrect. Mr. Price stated the correct requirement was 10' off the property line plus an additional 2' for every foot over 15" in height and that Mr. Valerino would need to obtain an area variance for anything otherwise. Mr. Valerino expressed frustration to Mr. Price, noting that he had made every effort to seek guidance from the Code Enforcement office

in order to ensure he was following the code, only to find out that he was twice given incorrect information and then had to pursue an Area Variance.

Mr. Valerino provided expense receipts for the project, noting he has spent \$18,000.00 to bring the yard up with grading and bankrun over a 40' x 60' area. He stated the estimated cost to move the pole barn over 9' to conform with code would cost him an additional \$6,000.00. Mr. Valerino also noted that he was supposed to start construction on the 20th of May but the delay in obtaining a permit has placed his project in a holding pattern with the contractor.

Mr. Feyl questioned whether anything was built at this time. Mr. Valerino stated nothing was built, however, after checking twice with the Camillus Code Enforcement office \$18,000.00 worth of grading, base and foundation was completed.

Chairperson Flood commented that perhaps Mr. Valerino got ahead of himself by investing the \$18,000.00 prior to obtaining a Building Permit from the Code Enforcement Office.

Mr. Valerino stated that upon confronting Mr. O'Neill, he was informed by Mr. O'Neill that he would inform the Board of his error. Mr. Valerino commented that he does not feel it would be justified for him to spend \$6000.00 to make the 9' move due to someone else's mistake, particularly given the fact that he has now been put one month behind schedule with a construction company that may charge an additional 10% for the delay.

Chairperson Flood questioned whether Mr. Valerino considered changing the dimensions of the pole barn to cut back on the variance. Mr. Valerino stated that he did consider changing the dimensions since everything is already set to go. Mr. Valerino stated that the location of the pole barn is very important to his wife and if it had to be moved to a location 22 feet off the property line, he probably would not have selected this area for the pole barn at all as it would be near the middle of his yard.

Mr. de la Rosa questioned what type of foundation was used. Mr. Valerino stated that he was told he could use 7 to 10 inches of runner crush, but since he felt bank run would work better, he brought it up to grade by using 1 ½ feet of bankrun to get a set packed base.

Mr. de la Rosa stated that a foundation supports the structure, so if concrete has not been poured and no blocks have been put in, in his opinion there is no foundation to support and place the structure on, just the floor. Mr. Valerino stated that what is in place now is moveable, but would cost an additional \$6,000.00 to move. He also reiterated that the location required by code is not desirable to them and that the project is three weeks behind schedule.

Mr. de la Rosa questioned if there was access to the pole barn. Mr. Valerino stated that he has a road/driveway in place that accesses the proposed location of the pole barn. He also reiterated that he several times asked Mr. O'Neill for the correct distance from the property line and was told 5' the first time and 11' the second time. He noted that the base currently in place is 13' from the property line.

Mr. Valerino provided photos to illustrate the placement of his house in relation to the backyard and how moving the pole barn over 9' would place it in the middle of the view from the main kitchen window, which his wife would not be happy with and did not agree to.

Mr. Pirro inquired what the pole barn would be used for. Mr. Valerino stated it would be for personal storage use to house several items in addition to equipment required for the hobbies of his five children. Mr. Pirro questioned if all of his neighbors were in approval of the pole barn being placed where he is

requesting to do so. Mr. Valerino stated that he has contacted his neighbors and that they have been understanding and in support of this project, but he only thought it was necessary for them to attend the meeting if they opposed the application.

Mr. LaFlair questioned how much material was put in to get the yard up to grade. Mr. Valerino confirmed that 1' to 1 ½' was necessary to bring it up to grade plus an additional 18" will be used to complete the foundation. Mr. LaFlair questioned if the area behind the pole barn would be paved. Mr. Valerino confirmed that there would be cement behind the pole barn, but it would not be able to be seen. Mr. LaFlair questioned if there were any concerns with where the water run off will go. Mr. Valerino stated that Mr. Tingley from Tingley Landscaping will make sure the water run off is not a problem as they have a drainage ditch in place that will be utilized.

Mr. Belle questioned if any of the walls were built. Mr. Valerino stated that there were no walls built, just stakes indicating where the four corners of the barn will be.

Mr. Feyl questioned the \$6,000.00 cost to move the base material 9' and stated that in his opinion the shed located in the front yard would be unnecessary if the pole barn were built in the backyard. Mr. Valerino stated that the amount quoted to move the material was provided by a professional landscaping company and he would be happy to have Mr. Tingley come to the meeting to discuss the quote if necessary.

Chairperson Flood questioned the survey as it did not show how many feet to the corner of the back property. Mr. Valerino explained the distance and dimensions.

Chairperson Flood questioned the the size of the pole barn, why it was necessary, and if it would have a finished room inside. Mr. Valerino stated that the barn would be used to store a car, truck, 20' snowmobile trailer, a two bay snowmobile trailer for his son's basketball team, 4 sleds, 4 ATV's, a motorcycle, as well as providing workshop space for him to work on his car and bikes. Chairperson Flood questioned what was kept in the front garage. Mr. Valerino stated it houses his wife's van, 7 bicycles, a freezer, an extra refrigerator and his son's car.

Mr. Valerino stated that he thought to give it two tiers with decorative windows and doors so it looked more residential than like a barn. Chairperson Flood questioned what type of siding materials would be used. Mr. Valerino stated that the barn would be an RLS steel structure that would have landscaping around it and would match the house.

Mr. Feyl noted that this building would be identical to the one on VanAlstine Road.

Tom Price, Camillus Code Enforcement Officer stated that Mr. Valerino was correct in that he received erroneous information for the Code Enforcement office before trying to obtain his permit.

Chairperson Flood moved to close the Public Hearing. Mr. de la Rosa seconded the motion and it was unanimously approved.

2. Stacy Barber
203 Pinewood Drive
Camillus, NY 13031

TM#: 018.-05-05.0

Area Variance: as owner would like to build a shed one foot from property line.

Stacy Barber appeared before the Board to discuss her request for an Area Variance. Ms. Barber indicated that she is a new homeowner and admitted she did not get a Building Permit for her shed, as she did not know one was required. Ms. Barber indicated that since purchasing the home was made aware that two sheds were in violation of code, with one on a drainage easement and the other in an illegal location. She noted the shed on the drainage easement has been removed and she has obtained a permit to relocate the second shed.

Ms. Barber indicated the shed is 12' x 8' and is 12' in height, slightly larger than the original. She stated that one side of the shed will house the pool equipment and electricity and the other side will serve as a changing room for her children to use after being in the pool.

Ms. Barber stated she has contacted the Camillus Code Enforcement Office for guidance on making her property conform to code. Ms. Barber also noted that they have installed a security system on the pool and the doors in place of the previous wood fence around the pool and that the yard is fenced in with padlocks on all of the gates.

Mr. LaFlair stated that he feels the property looks nice and has no issues with the shed as the fencing blocks most of the shed's visibility.

Mr. Belle questioned the size of the shed and the type of fence surrounding the property. Ms. Barber stated the shed is 8' x 12' with 6' stockade wood fencing surrounding the property.

Mr. Feyl questioned why the shed couldn't be moved 4'. Ms. Barber stated that doing so would place the shed off the corner of the house, blocking her daughter's window, and also would create issues with regard to the pool electrical and plumbing that exists in it currently.

Mr. Pirro stated that he would have liked to see the shed farther away from the main structure, however, with her neighbors present and having no opposition to the shed, he sees no issues. Chairperson Flood questioned if the fence around the pool was there prior to rebuilding the shed. Ms. Barber stated that the fence was not there when they rebuilt the shed.

Public Comment

Pam Desantis residing at 201 Pinewood Drive spoke in favor of the application, but also requested that the applicant place gutters on the shed to prevent rainwater from coming down onto the patio pavers to their pool. Ms. Barber stated that they had the gutters and would be putting them up.

Ms. MacRae, 2nd Ward Councilor, stated that she visited the applicant's property and it is very well kept, noting that the shed replaces an old shed and she has no issues with it.

Mr. Price, Camillus Code Enforcement Officer noted that Ms. Barber is in the process of taking care of the previous owners shed violations and appreciates her attention to the existing matters.

Chairperson Flood moved to close the Public Hearing. Mr. de la Rosa seconded the motion and it was unanimously approved.

Special Use Permit: as owner would like to build a 7' 6" x 12' 6" shed.

Rev. Daniel Akins appeared before the Board to discuss his application to build a 7' 6" x 12' 6" shed. Rev. Akins noted that what they are really doing is rebuilding an existing shed that is unstable and in disrepair.

Rev. Akins noted that they are seeking the variance because, in the process of rebuilding the existing shed, construction exceeded the initial footprint. Rev. Akins explained that the existing shed was 4' x 8' and the proposed shed would be 7' 6" x 12' 6" and would store 12' tables and seasonal equipment.

Chairperson Flood questioned if there was another shed located next to the proposed shed. Rev. Akins stated that it isn't a shed but rather the rear entrance of the building, where the furnace and equipment are stored. Rev. Akins stated that his feeling that the equipment and tables would be more properly stored in a shed rather than the building entranceway near the furnace and stairway.

Chairperson Flood questioned what the proposed finished shed would be constructed from. Rev. Akins stated it would be made of plywood and would be painted to compliment the church.

Mr. Pirro questioned the distance from the shed to the fence. Rev. Akins stated that the distance between the shed and the fence was about 5' 10". Rev. Akins stated that he has spoken to the neighbors and none have any issues with construction of the shed.

Mr. de la Rosa questioned how one entered into the building. Rev. Akins stated that there is an entrance in the front of the building on Gillespie Ave., as well as an entrance along the back of the church that goes into the basement of the church.

Mr. Pirro questioned if the shed opening would face the entrance to the basement of the church and Rev. Akins confirmed it would.

Mr. LaFlair questioned if the fence would extend to the end of the shed. Rev. Akins stated that the fence was property of his neighbor not the church.

Mr. Feyl questioned placement of the proposed shed. Rev. Akins explained placement of the shed referring to drawings provided to the Board. Mr. Feyl questioned if the shed would be painted. Rev. Akins confirmed that the shed would be painted to compliment the building and may be sided at some point in the future.

Chairperson Flood questioned if the shed would have windows. Rev. Akins stated that the it would not and it would be secured.

Mr. Carr stated that the applicant is in front of the Board because it is a Special Use Permit modification, since the shed is conforming and legal but just happens to be a little bit larger than the existing shed.

Bill Davern, 3rd Ward Councilor stated that he sent out a notice over a 200' radius to all the neighbors and visited neighboring homes, and nobody he spoke with opposed the shed. He further noted that many were very complimentary of the church, indicating they have been great neighbors.

Tom Price, Camillus Code Enforcement Officer questioned if this applicant has been to the Planning Board or were instructed to do so. Mr. Carr stated that if an applicant is to be referred to the Planning Board, that referral should come from the Code Enforcement Office and stated that the Zoning Board has no knowledge of this going to the Planning Board.

Chairperson Flood moved to close the Public Hearing. Mr. de la Rosa seconded the motion and it was unanimously approved.

Comments of the Public

None

Comments of Town Officials

None

Old Business

None

NEW BUSINESS

Applications:

1. **Ray Southworth**
104 Vanida Drive
Camillus, NY 13031

TM#: 040.-01-20.0

Area Variance: as owner would like to add cover over doorway – code states protrusions may not exceed two feet in side yard.

Mr. Pirro moved to set a Public Hearing for June 16, 2009. Mr. LaFlair seconded the motion and it was unanimously approved.

Minutes of Previous Meeting

Mr. de la Rosa moved to approve the minutes of the May 19, 2009 meeting. Mr. Feyl seconded the motion and it was unanimously approved.

Vouchers

A vouchers was received from the Post Standard for legal advertisements totaling \$75.08.

A voucher was received from Melvin & Melvin for legal fees totaling \$1,437.50.

Mr. Feyl moved to approve payment of the vouchers. Mr. Belle seconded the motion and it was unanimously approved.

Correspondence

Chairperson Flood stated that she received a notification from the Association of Towns for the Planning and Zoning summer schools for anyone who needs to fulfill their requirement for seminars for New York State.

Comments of the Board

None

DECISIONS:

1. **Albert Valerino, Jr.**
6006 Newport Road
Camillus, NY 13031

TM#: 021.-10-11.0

Area Variance: as owner would like build an accessory structure (40' x 60' Pole Barn) on property.

Mr. Feyl moved to grant an Area Variance of 9' for construction of a 40' x 60' Pole Barn, conditioned upon the removal of the existing shed in the front yard upon completion of the new structure. Mr. de la Rosa seconded the motion and it was unanimously approved.

2. **Stacy Barber**
203 Pinewood Drive
Camillus, NY 13031

TM#: 018.-05-05.0

Area Variance: as owner would like to build a shed one foot from property line.

Mr. de la Rosa moved to grant an Area Variance to allow a shed 1' from the property line, conditioned upon gutters being installed on the shed. Mr. Pirro seconded the motion and it was unanimously approved.

3. **Bethel Community Church**
200 Gillespie Ave.
Syracuse, NY 13219

TM#: 045.-11-14.0

Special Use Permit: as owner would like to build a 7' 6" x 12' 6" shed.

Mr. Feyl requested it be noted in the record that all Special Use Permits are to be automatically referred to the Planning Board by the Code Enforcement Office, prior to any appearance in front of

the Zoning Board, however in this case, he believed there was no reason not to override any Planning Board issues and make a decision in this matter

Chairperson Flood moved to grant a modification to the Special Use Permit to allow the church to build a 7' 6" x 12' 6" shed. Mr. Feyl seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. de la Rosa moved to adjourn the meeting at 8:27 p.m. Mr. Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
June 16, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Bob Feyl
Rich de la Rosa
Ron Belle
Keith DiBello
Michael LaFlair

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

2 Others

ABSENT:

None

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the public hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

Public Hearings:

1. **Ray Southworth
104 Vanida Drive
Camillus, NY 13031**

TM#: 040.-01-20.0

Area Variance: as owner would like to add cover over doorway – code states protrusions may not exceed two feet in side yard.

Mr. Southworth appeared before the Board to discuss his request for an Area Variance. Mr. Southworth explained that he is seeking an area variance to replace an existing 3' 7" x 5' overhang with a 5' x 5' wood type porch that will have posts and a roof that will match the existing roof of the house.

Chairperson Flood questioned the conversation Mr. Southworth had with Mr. Price, Camillus Code Enforcement Officer. Mr. Southworth stated that Mr. Price told him he saw nothing wrong with his request other than it requiring a variance.

Mr. de la Rosa questioned if the proposed porch would be open. Mr. Southworth confirmed that it would be open and look similar to what is currently in place.

Mr. Belle questioned the purpose of the sign displayed in the window of the applicant's home. Mr. Southworth stated that the residence is LBO as his wife has a small business taking care of cancer patients.

Mr. Feyl stated that the variance would need to be at least 3 feet in order to clean up the existing issue along with what the applicant is currently proposing.

Mr. Carr commented that if looking at the referral letter, the Camillus Code office states it is a protrusion into a side yard requiring a 5' variance, however, even though it was not written as such with having posts would make it a porch, therefore, requiring a side yard variance of 3'.

Mr. Carr noted that the referral letter from the Code Enforcement office was inconsistent; pointing out the Board would need to consider how they would like to move forward with this request.

Chairperson Flood questioned if the neighbor immediately next to the residence voiced any opposition to this request. Mr. Southworth stated that his neighbor is in favor of replacing the porch and is in support of this request.

Chairperson Flood motioned to close the Public Hearing, seconded by Mr. de la Rosa and it was approved unanimously.

Comments of the Public

None

Comments of Town Officials

None

Old Business

None

New Business

None

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the June 2, 2009 meeting. Mr. DiBello seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from The Post-Standard for legal advertisements totaling \$49.50.

Mr. LaFlair moved to approve payment of the voucher. Mr. Feyl seconded the motion and it was unanimously approved.

Correspondence

None

Comments of the Board

None

Decisions

1. **Ray Southworth**
104 Vanida Drive
Camillus, NY 13031

TM#: 040.-01-20.0

Area Variance: as owner would like to add cover over doorway – code states protrusions may not exceed two feet in side yard.

Mr. Pirro moved to grant a 3' side yard Area Variance to allow the construction of a 5' x 5' porch. Mr. DiBello seconded the motion and it was unanimously approved.

Adjournment

Mr. Feyl made a moved to adjourn the meeting at 7:15 p.m. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
July 21, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Bob Feyl
Rich de la Rosa
Ron Belle
Keith DiBello
Michael LaFlair
Steve Pirro

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

James Salanger, 4th Ward Councilor
1 other

ABSENT:

None

Chairperson Flood called the meeting to order at 7:01 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the public hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

Public Hearings:

**1. John Montagne / Allied Sign Co.
4107 West Genesee Street
Syracuse, NY 13219**

TM#: 056.-02-03.0

Area Variance: to reduce the 15' setback by 11' to keep proposed sign out of parking lot drive lane.

Mr. John Montagne of Allied Sign Company appeared before the Board to discuss the application for an Area Variance that would allow placement of a new monument style sign. Mr. Montagne stated that placing the proposed sign within the legal setback would place the sign in the middle of the current driving lanes of the parking lot, therefore, requiring a variance for the suggested placement.

Mr. Montagne also stated that he was in front of the Board to obtain two other variances; (1) for the proposed monument sign to be constructed less than 8' above the finished grade of the sign and (2) a variance for the plaza name identification restriction, to permit listing of multiple tenant names on the sign.

Chairperson Flood questioned the location of the proposed sign. Mr. Montagne approached the Board providing pictures of the proposed sign and actual placement.

Mr. Feyl questioned the height of the sign and if the concrete base would be above grade. Mr. Montagne stated the height of the sign would be 27" off the ground and confirmed the concrete would be below grade.

Mr. Feyl commented that there would not be an issue with the multiple tenant names appearing on the monument sign, as several monument style signs with multiple tenant names currently appear around town.

Mr. Belle questioned the height of the existing sign. Mr. Montagne stated that the existing sign is about 20' from the ground up.

Mr. Feyl questioned if the existing sign and concrete post/base would be removed. Mr. Montagne confirmed that both the existing concrete posts/base and sign will be removed. Mr. Feyl questioned if the proposed sign would be lit. Mr. Montagne stated that the sign would be lit internally with soft fluorescent lighting.

Mr. Pirro questioned if the property owner planned to do any landscaping around the sign. Mr. Montagne stated that he does not think that the property owner has any plans to do landscaping due to the limited parking spaces.

Mr. DiBello commented that his biggest concern is that the existing signage along with the concrete posts/base be removed, as the property has been poorly maintained and leaving them would be an eye sore.

Mr. de la Rosa questioned the distance of the current foundation to the property line. Mr. Montagne stated that in speaking with the Camillus Code Enforcement the distance measured was 1' from the property line. Mr. Montagne commented that the placement of the proposed sign would be about 4' from the property line.

Mr. LaFlair questioned the timeframe for completion of the sign. Mr. Montagne stated that the sign is contracted to be completed by the end of August 2009.

Chairperson Flood commented that her opinion is that the sign is very busy.

Comments of the Public

None

Comments of Town Officials

James Salanger, 4th Ward Councilor stated that in his opinion the sign would be an improvement over what is currently on site and has no objections to this request. Mr. Salanger stated that the Town has been on the property owner regarding properly maintaining the property and commented that there should soon be an improvement to the property appearance.

Mr. Salanger also commented that he discussed this application in detail with Bill Davern, 3rd Ward Councilor, and was asked to voice Mr. Davern's support to the variance requests.

Mr. Feyl motioned to close the Public Hearing, seconded by Mr. de la Rosa and it was approved unanimously.

Old Business

None

New Business

1. **Dan M. Capucilli Jr.**
113 Blackmore Road
Camillus, NY 13031

TM#: 063.-01-20.0

Area Variance: to reduce the required front yard set back down to 25.6'.

Mr. Belle moved to declare this a Type II action under SEQR for an additional variance and set a public hearing for August 05, 2009. Mr. LaFlair seconded the motion and it was unanimously approved.

Minutes of Previous Meeting:

Mr. de la Rosa moved to approve the minutes of the June 16, 2009 meeting. Mr. Belle seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from The Post-Standard for legal advertisements totaling \$39.60.

A voucher was received from Hummel's Office Plus for supplies totaling \$13.95.

Mr. Feyl moved to approve payment of the vouchers. Mr. DiBello seconded the motion and it was unanimously approved.

Correspondence

Chairperson Flood commented that training would be held on August 23 in Albany and at Onondaga Community College on August 4; and the New York Planning Federation's annual meeting would be held September 13 through the 15 in Lake Placid if anyone were interested in attending.

Comments of the Board

Mr. Feyl noted that Mr. John Fatcheric, Planning Board Chairman had Vice Chair Mr. Logana chair the last meeting. Mr. Feyl thought that the Zoning Board should consider doing a similar idea with changing Chairmen. Chairperson Flood stated that she would discuss the legal aspects with Mr. Carr and Chairman Fatcheric.

Mr. DiBello commented that the Fairmount Fire Department will now be having residence living in the white building next to the fire station for a bunking program and questioned if the ZBA needed to notify anyone of this program.

Mr. Feyl stated that this would be a Code Enforcement issue along with Planning Board if necessary, not a Zoning Board issue.

Councilor Salanger commented that this would be an intern program that will house fireman in training, but did not know any further details.

Decisions

1. **John Montagne / Allied Sign Co.**
4107 West Genesee Street

TM#: 056.-02-03.0

Syracuse, NY 13219

Area Variance: to reduce the 15' set back by 11' to keep proposed sign out of parking lot drive lane.

Mr. DiBello moved to grant a 6 foot variance as to the above-grade height of the bottom of the monument free standing sign and a variance permitting the listing of the names of multiple tenants of the plaza (17 spaces) on the monument free standing sign to be constructed on the applicant's above-identified property has been GRANTED to the extent as indicated in the attached resolution and subject to the following conditions: (1) That the existing concrete bases of former and existing free signs be immediately removed from the premises; and (2) that the property's address number be placed at the top of the proposed monument free standing sign. Mr. LaFlair seconded the motion and it was unanimously approved.

Adjournment

Mr. Feyl made a moved to adjourn the meeting at 7:53 p.m. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
August 4, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Bob Feyl
Rich de la Rosa
Ron Belle
Steve Pirro

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Two others

ABSENT:

Keith DiBello
Michael LaFlair

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

Public Hearings:

1. **Dan M. Capucilli Jr.
113 Blackmore Road
Camillus, NY 13031**

TM#: 063.-01-20.0

Area Variance: to reduce the required front yard set back down to 25.6'.

Mr. Capucilli appeared before the Board to discuss his application. He explained that they are seeking an Area Variance to reduce the required front yard setback down to 25.6'.

Their plan proposes to build a mudroom off their kitchen, which would encroach into the current garage space and so they desire to extend the garage in order to regain the space lost for the mudroom. He noted that they did explore a number of options with regard to this addition and after several discussions with his architect found this request to be the best option that would be most aesthetically pleasing.

Mr. Capucilli approached the Board providing before and after photos of the proposed addition.

Chairperson Flood questioned if this proposed addition was discussed with any of the neighbors. Mr. Capucilli stated that he did discuss it with his neighbors who expressed their support and have no opposition.

Mr. Belle questioned if everything will be worked on and completed at the same time. Mr. Capucilli stated that everything is scheduled to be worked on and completed at the same time.

Mr. Feyl questioned, with the extension of the garage, the number of vehicles that one could park in the driveway. Mr. Capucilli stated that four cars could be parked in the driveway at the same time.

Mr. Feyl also commented that he discussed this application with Dave Cooke, 5th Ward Councilor, and was asked to voice Mr. Cooke's support to the variance request, indicating that he did poll the neighborhood and had no opposition to this request.

Mr. Capucilli stated that his intention is to utilize the addition to the fullest extent without making it look like an addition.

Mr. Belle motioned to close the Public Hearing, seconded by Mr. Feyl and it was unanimously approved.

Comments of the Public

None

Comments of Town Officials

None

Old Business

None

New Business

1. Paul Blue
2656 Lyons Road
Camillus, NY 13031

TM#: 025.-02-15.03

Area Variance: regarding a 12' x 28' storage shed.

Mr. de la Rosa moved to declare this a Type II action under SEQR and set a Public Hearing for August 18, 2009. Mr. Feyl seconded the motion and it was unanimously approved.

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the July 21, 2009 meeting. Mr. Pirro seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from The Post-Standard for legal advertisements totaling \$53.63.

A voucher was received from Melvin & Melvin for legal fees totaling \$1,593.75.

Mr. de la Rosa moved to approve payment of the vouchers. Mr. Feyl seconded the motion and it was unanimously approved.

Correspondence

None

Comments of the Board

Mr. Feyl stated that Chairperson Flood did a fabulous job hosting her mothers 100th birthday party at the Camillus Senior Center.

Chairperson Flood stated that by proclamation made official by the Town Board that today is Agatha Connie Sunser Day, August 4, 2009 in the Town of Camillus. in honor of her mother's birthday.

Decisions

1. **Dan M. Capucilli Jr.**
113 Blackmore Road
Camillus, NY 13031

TM#: 063.-01-20.0

Area Variance: to reduce the required front yard set back down to 25.6'.

Mr. Belle moved to amend the original resolution to allow a 9' area variance reducing the front yard setback to 25'. Mr. Feyl seconded the motion and it was unanimously approved.

Adjournment

Mr. de la Rosa made a moved to adjourn the meeting at 7:23 p.m. Mr. Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
August 18, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Bob Feyl
Rich de la Rosa
Ron Belle
Steve Pirro
Keith DiBello
Michael LaFlair

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Roger Pisarek, 1st Ward Councilor
Bill Davern, 3rd Ward Councilor
Dave Cooke, 5th Ward Councilor
Four others

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. LaFlair seconded the motion and it was unanimously approved.

Public Hearings:

1. **Paul Blue**
2656 Lyons Road
Camillus, NY 13031

TM#: 025.-02-15.03

Area Variance: regarding a 12' x 28' storage shed.

Mr. Blue appeared before the Board to discuss his application for an Area Variance request, providing photos and a full size survey of the property. Mr. Blue explained that the angle at which the home sits on the property makes it difficult for placement of a shed behind the building line.

Chairperson Flood stated that the Board takes into consideration factors such as topography, placement of the home and the neighboring properties.

Chairperson Flood questioned if the neighbor immediately next to the residence voiced any opposition to this request. Mr. Blue stated that his neighbor supports this request.

Mr. de la Rosa stated that he has been by the property and in his opinion, this request seems reasonable.

Mr. Pirro questioned which direction the doors of the shed would be facing. Mr. Blue stated that the doors of the shed would be facing forward.

Chairperson Flood questioned if the shed would have a non-permanent gravel base/ be skid mounted and whether the shed would match the house. Mr. Blue confirmed it would be a gravel base/skid mounted shed and would match the house.

Mr. de la Rosa motioned to close the Public Hearing, seconded by Mr. Feyl and it was unanimously approved.

2. Peter McLellan, Esq. representing Susan Webb
905 Granger Road
Syracuse, NY 13219

TM#: 049.-10-05.0

Area Variance: regarding a home that was built in the early sixties in violation of the front yard setback.

Mr. McLellan appeared before the Board to discuss the request for an Area Variance. He stated that he is representing Susan Webb, who is a daughter of Mattia Armstrong, that Mattia Armstrong and her husband Donald moved into the present location in 1971 and it was then as it is now.

Mr. McLellan also noted that Donald died in the mid 90's and Mattia just passed her 88th birthday and has since decided to down size, putting the house up for sale and intending to have the proceeds of the house sale transferred into a trust for her two daughters as the trustees, Susan Webb being one of them.

Through the process selling the property, a survey was performed and showed that there was an encroachment over the building line that had apparently been there since the home was built in the 1960s. Mr. McLellan stated that the purchaser was concerned with any future requests that might be made with the property, making the sale of the home conditional upon obtaining a variance for the encroachment.

Mr. McLellan handed out photos to the Board showing the street curvature with placement of the home.

Chairperson Flood stated that in her opinion with the curving of the road the encroachment is not that noticeable with relation to the other homes on the street.

Mr. Belle stated that he agrees as all of the homes along Granger Road blend in and the encroachment is not noticeable.

Mr. Carr questioned the distance from the road to the front of the porch. Mr. McLellan stated that he did not know for sure.

Mr. Carr noted that since the house was built prior to 2000, the proper setback is the mean distance between houses within 200 feet on either side, not to be less than 25 feet, and suspects that the front porch is more than 25 feet back, stating that this house conforms to legal code.

The Board and Mr. Carr had a detailed discuss relating to the distance of the setback and variance required under present code.

Yvonne Dirk of 907 Granger Road questioned the mean distance Mr. Carr was explaining. Mr. Carr explained the proper setback requirements to a home built prior to 2000.

Mr. Davern, 3rd Ward Councilor stated that he has not heard of anyone opposed to this request, and is glad to hear the Board has no major issues.

Mr. DiBello motioned to close the Public Hearing, seconded by Mr. Feyl and it was unanimously approved.

Comments of the Public

None

Comments of Town Officials

None

Old Business

None

New Business

1. **Ken Colton / Allied Sign Company** **TM#: 046.-01-01.1**
CopperTop
3380 Milton Ave.
Syracuse, NY 13219

Area Variance: three Area variance requests regarding signage.

Chairperson Flood moved to declare this a Type II action under SEQR and set a Public Hearing for September 1, 2009. Mr. Feyl seconded the motion and it was unanimously approved.

2. **Groundwater & Environmental Services Incorporated** **TM#: 065.-04-11.1**
5401 West Genesee Street
Camillus, NY 13031

Area Variance: Accessory building.

Mr. Belle moved to declare this a Type II action under SEQR and set a Public Hearing for September 1, 2009. Mr. de la Rosa seconded the motion and it was unanimously approved.

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the August 4, 2009 meeting. Mr. de la Rosa seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from The Post-Standard for legal advertisements totaling \$42.08.

Mr. Pirro moved to approve payment of the voucher. Mr. DiBello seconded the motion and it was unanimously approved.

Correspondence

None

Comments of the Board

Mr. LaFlair questioned if a follow up was done on Mr. Valerino taking down the shed in his front yard.

Mr. Feyl noted that the Roger Pisarek, 1st Ward Councilor is working with Mr. Price, Camillus Code Enforcement Officer to make sure that everything is in compliance.

Chairperson Flood reminded Board members still needing to fulfill schooling requirements that there will be one more class held in September for 2009.

Decisions

**1. Paul Blue
2656 Lyons Road
Camillus, NY 13031**

TM#: 025.-02-15.03

Area Variance: regarding a 12' x 28' storage shed.

Mr. Feyl moved to grant the allowance of a 12' x 28' storage shed in front of the rear building line of the house based upon: (1) topography, (2) size of the lot, and (3) convenience for the homeowner. Mr. DiBello seconded the motion and it was unanimously approved.

**2. Peter McLellan, Esq. representing Susan Webb
905 Granger Road
Syracuse, NY 13219**

TM#: 049.-10-05.0

Area Variance: regarding a home that was built in the early sixties in violation of the front yard setback.

Mr. DiBello moved to grant a 6' Area Variance for front yard setback. Mr. Feyl seconded the motion and it was unanimously approved.

Adjournment

Mr. de la Rosa made a moved to adjourn the meeting at 7:42 p.m. Mr. Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
September 1, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Rich de la Rosa
Ron Belle
Steve Pirro
Keith DiBello
Michael LaFlair

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Dave Callahan, 6th Ward Councilor
Two others

ABSENT:

Bob Feyl

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. DiBello seconded the motion and it was unanimously approved.

Public Hearings:

- 1. Ken Colton / Allied Sign Company
CopperTop
3380 Milton Ave.
Syracuse, NY 13219**

TM#: 046.-01-01.1

Area Variance: three Area Variances regarding signage.

Mr. Ken Colton of Allied Sign Company and Mr. John A. LoFaro, attorney representing CopperTop, appeared before the Board to discuss their Area Variance application. Mr. LoFaro explained that the overall requested signage is 183 sq. ft., just slightly over the total signage allowance of 175 sq. ft.

Mr. LoFaro stated that this building has some physical limitations due to its location. He noted that although CopperTop will be spending over 2 million dollars on this project, there are several different angles to the building, so visibility is an issue as the building can easily be missed.

Chairperson Flood questioned if the large birch tree located in the front of the building would be removed. Mr. Colton stated that he did not know for sure. Mr. DiBello stated that he spoke to Mr. John Ryvack of CopperTop who stated that they are planning to re-landscape the front of the property.

Mr. LoFaro stated that they are seeking a variance for four signs. Sign A, the pylon sign on the south elevation along Milton Avenue, requires a setback variance. Sign B, the building sign on the south elevation along Milton Avenue meets the requirements however, it will need a variance regarding total area. Sign C, the building sign above the entrance on the east elevation, requires a variance for the sign itself. Sign D, the rear building roof top sign on the west and north elevations, requires a variance related to height.

Mr. Belle questioned if Sign B, the building sign on the south elevation, was necessary in addition to the pylon sign in the front of the building. Mr. LoFaro stated that the pylon sign runs perpendicular to the building, so the building would not be identified to northbound traffic on North Onondaga.

Mr. de la Rosa questioned how the total square footage for the signs was being calculated.

After a detailed discussion, Mr. Carr clarified that the Municipal Code states sign on the front of the building as well as a pylon sign are allowable however, the combined signage area cannot exceed 100 sq ft. The fact that this property is on a corner lot also allows for placement of a sign on the north elevation of the building as well, however, does not allow a roof sign in conjunction with the pylon sign not to exceed 100 sq ft.

Mr. Belle stated that in his opinion he feels the signs are good, as exposure helps sell your products and services, and suggested that instead of eliminating a sign, perhaps reduction of the overall square footage should be considered.

Mr. LaFlair questioned the possibility of placing one sign on the southwest corner of the building, eliminating the need for two signs. Chairperson Flood stated that could cause visibility and/or safety issues. Mr. Colton stated that they did look at that option but felt there would definitely be a safety and visibility issue.

Mr. Colton stated that after looking very closely at the design of the building, which has been altered over the years with all the additions, they feel that the requested placement of the four signs was their best option and the ideal placement to get the exposure they need.

Mr. Pirro expressed concern about the size of the signs and suggested reducing them.

Chairperson Flood questioned whether the over grown foliage might block visibility of the north facing sign to southbound traffic on Warners Road. Mr. Colton stated that they did drive from every angle to ensure that the signs would be seen.

Mr. DiBello commented that, while he understands what they are trying to accomplish and feels the signs are necessary, he feels the signs could be cut back in size.

Mr. de la Rosa suggested they consider the option of making the sign over the doorway to the restaurant an entrance sign, which would eliminate it from inclusion in the total square footage of signage, as it would then be considered a directional sign. Mr. LoFaro stated that while it would not be the most attractive sign, it might be a consideration.

Mr. Pirro inquired who the owner of the area of trees to the right of the property was and whether trimming the trees back could improve signage and building exposure. Mr. Colton stated that area is not owned by CopperTop and he was unaware of who the owner is.

Mr. Colton presented sign photos to the Board that indicated a reduction of signage size as requested by the Board.

Chairperson Flood stated that, in her opinion, the pylon sign was too big and could be a safety issue. Chairperson Flood also questioned if any banking of the landscaping would be done and if doing so would increase the height of the sign so that it would be more than six feet off the ground. Mr. Colton stated that they would make the sign six feet from the current grade of the property so those exiting the property by vehicle will be able to see under the sign when pulling out of the parking lot.

Mr. Pirro moved to approve payment of the voucher. Mr. DiBello seconded the motion and it was unanimously approved.

Correspondence

None

Comments of the Board

None

Decisions

**1. Ken Colton / Allied Sign Company
CopperTop
3380 Milton Ave.
Syracuse, NY 13219**

TM#: 046.-01-01.1

Area Variance: three Area variance requests regarding signage.

Chairperson Flood motioned to approve the following:

1. A 12 foot variance as to set back permitting a pylon sign to be placed 3 feet off the right-of-way on Milton Avenue.
2. A 9 foot variance permitting a pylon sign measuring 45 square foot in area.
3. A 4 feet variance as to the maximum allowable area of signage, permitting a sign on the south (Milton Avenue) face of the building measuring a total of 58.5 square feet in area.
4. A 15 sq. ft. variance as to maximum allowable signage an as to location permitting a 35.14" x 60' sign on the east face of the building located over the building's entrance.
5. A 6 feet variance as to the height of a roof sign located on the west side of the building measuring 9 feet in height above the building roof line.

The motion was seconded by Mr. DiBello and unanimously approved.

Adjournment

Mr. de la Rosa made a moved to adjourn the meeting at 8:17 p.m. Mr. Pirro seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
September 15, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Rich de la Rosa
Keith DiBello
Bob Feyl
Michael LaFlair
Steve Pirro

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Dave Callahan, 6th Ward Councilor
Two others

ABSENT:

Ron Belle

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. DiBello seconded the motion and it was unanimously approved.

Public Hearings:

1. **St. Pauly Textile, Inc.**
5600 West Genesee Street
Camillus, NY 13031

TM#: 031.-07-40.0

Special Use Permit: amendment to Special Use Permit for clothing donation shed

Chairperson Flood noted that this application also requires Planning Board Site Plan approval, which will be heard at their September 28, 2009 meeting.

Ben DeGeorge of St. Pauly Textile addressed the Board regarding their application. He explained that they propose to place an 8' x 16' clothing donation drop of shed on the property of St. Joseph's Church, similar to the one they have in place at the Camillus Elks Lodge. The clothing donated at these sheds is collected weekly, distributed for sale worldwide, and the church would be paid from the profits of those sales.

He stated that the proposed shed would be constructed off site, delivered on a flat bed truck, and would be placed in the grassy area behind the rectory building, although it could be relocated to another location at any time if necessary.

Chairperson Flood inquired what type of base material the shed would sit on. Mr. DeGeorge stated that 2" x 4" wood strips would be placed on the grass and the shed would sit upon those, with the addition of blocks under the wood strips if needed to level the shed.

Mr. de la Rosa asked who would be responsible for maintenance of the location. Mr. DeGeorge stated that the location host, in this case the St. Joseph's youth group and advisors, would maintain the area surrounding the shed as well as the donated contents.

Mr. DiBello inquired who would be responsible for any non-clothing items that might be dropped of at the shed location. Mr. DeGeorge stated that the church would be responsible for removing such items from the site and properly disposing of them.

Mr. LaFlair inquired who would rectify damage to the shed caused by vandalism or other sources. Mr. DeGeorge stated that his company maintains the shed itself and inspects for such damage weekly.

Mr. Feyl clarified that the location of the shed would be near the telephone box noted on the submitted property drawing. He also inquired how people would know the shed was there, noting that the sandwich board sign they are currently using at the Camillus Elks Lodge is illegal and they would not be allowed to place such a sign at the church. A representative of the church stated that they would use their church bulletin and word of mouth as a way of marketing the box's presence.

Mr. Feyl moved to continue the Public Hearing until October 6, 2009. Mr. de la Rosa seconded the motion and it was unanimously approved.

Comments of the Public

Councilor Callahan stated he distributed flyers to the residents of Northfield Way and Sylvan Way, as well as notifying his email distribution list and speaking directly to some residents. He only received one email response that was in support of the shed's placement.

Old Business

None

New Business

**1. Leonard Van Horn
105 Mackay Avenue
Syracuse, NY 13219**

TM#: 042.-02-12.0

Area Variance: uncovered deck on front of house

Chairperson Flood moved to declare this a SEQR Type II action and set the Public Hearing for October 6, 2009. Mr. Pirro seconded the motion and it was unanimously approved.

**2. Ernest Kreis
5739 Scenic Drive
Camillus, NY 13031**

TM#: 020.-02-05.0

Area Variance: accessory building in front yard setback

Mr. Feyl moved to set the Public Hearing for October 6, 2009. Mr. LaFlair seconded the motion and it was unanimously approved.

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the September 1, 2009 meeting. Mr. de la Rosa seconded the motion and it was unanimously approved.

Vouchers

None

Correspondence

None

Comments of the Board

None

Decisions

None

Adjournment

Mr. de la Rosa made a motion to adjourn the meeting at 7:32 p.m. Mr. Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Interim Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
October 6, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Richard de la Rosa
Ron Belle
Bob Feyl
Michael LaFlair
Steve Pirro

ABSENT:

Keith DiBello

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Dirk J. Oudemool, Town Attorney
John Fatcheric, Planning Board Chairman
Dave Callahan, 6th Ward Councilor
Roger Pisarek, 1st Ward Councilor
Kathy MacRae, 2nd Ward Councilor
Tom Price, Code Enforcement Officer
Approximately 13 others

Chairperson Flood called the meeting to order at 6:58 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

Public Hearings:

1. **St. Pauly Textile, Inc.**
5600 West Genesee Street
Camillus, NY 13031

TM#: 031.-07-40.0

Special Use Permit: amendment to Special Use Permit for clothing donation shed

Chairperson Flood read into the record a letter (attached) from the Camillus Planning Board, which stated they do not have any opposition to the applicant's request and do not have any specific site plan issues.

Ben DeGeorge of St. Pauly Textile addressed the Board regarding their application. He explained that they propose to place an 8' x 16' clothing donation drop of shed on the property of St. Joseph's Church, similar to the one they have in place at the Camillus Elks Lodge. The clothing donated at these sheds is collected weekly, distributed for sale worldwide, and the church would be paid from the profits of those sales.

Chairperson Flood asked if there were any changes regarding the party responsible for maintaining the shed. Mr. DeGeorge confirmed that the St. Joseph's youth group and advisors would maintain the area surrounding the shed as well as the donated contents.

Mr. Feyl noted that no additional signage other than that on the shed itself would be allowed.

Councilor Callahan stated he distributed a notice to the surrounding neighbors. He only received two email responses both of which were in support of the clothing donation shed.

Mr. Pirro motioned to close the Public Hearing. The motion was seconded by Mr. LaFlair and unanimously approved.

2. Leonard Van Horn
105 Mackay Avenue
Syracuse, NY 13219

TM#: 042.-02-12.0

Area Variance: uncovered deck on front of house

As Mr. Van Horn failed to appear, Chairperson Flood questioned if the applicant was aware that they needed to attend the meeting. Mr. Carr stated that the applicant was sent documents notifying them of the Public Hearing and that he would send out another notice to the applicant if the Public Hearing was continued.

Mr. Feyl moved to continue the Public Hearing until October 20, 2009 and to have Mr. Carr notify the applicant. Mr. Belle seconded the motion and it was unanimously approved.

3. Ernest Kreis
5739 Scenic Drive
Camillus, NY 13031

TM#: 020.-02-05.0

Area Variance: accessory building in front yard setback

Mr. Patrick Britt, legal council representing Mr. Ernest Kreis, appeared before the Board seeking an Area Variance to build an 82' x 40' accessory building which would be used to store items such as an ATV and snowmobile. Mr. Britt stated that Mr. Kreis has recently purchased two vacant parcels adjacent to the one on which the residence is located with the intent to build this accessory structure. He noted that prior to purchasing the vacant lots Mr. Kreis went to the Camillus Code Enforcement office and inquired where in relation to the property line along Scenic Drive he would be allowed to build the accessory structure, and was told he could build the accessory structure 5' off the property line. Mr. Kreis stated that a diagram was provided and drawn on, which supported the information that he was given.

Mr. Britt read from Chapter 30 of the Municipal Code, §603 (F2) - Accessory Buildings and Structures.

In R-2, R-3, R-4 and R-5 Districts, an accessory building or structure on the same lot as the principal building may be situated no closer to a side property line than five feet. For each foot the height of such a building exceeds fifteen feet, the minimum required distance from the side property lines shall be increased by one foot.

He noted that it is their interpretation that the location of the proposed accessory building is in the side yard property of what is now one large parcel of land. However, should the Board be of a differing opinion, they would like to seek an Area Variance for the placement of this accessory building due to the large 85' NYS appropriation of land between Scenic Drive and the Kreis property line. He stated that within that 85' there is a dense hedgerow of trees and brush, which blocks the Kreis property from Scenic Drive. As such, it is their opinion that the proposed placement of the accessory building would be 85' to 90' from the center line of Scenic Drive, making it non-visible from the road. Mr. Britt provided pictures showing the diagram of the property and where the accessory structure would be located, the dimensions, and the location of the NYS appropriation line to the

Board for review.

Mr. Feyl questioned the height of the structure. Mr. Kreis stated that he had given the Code Enforcement office five copies of the proposed structure, which included detailed dimensions. Mr. Feyl stated that the Board never received those copies.

Chairperson Flood stated that interpretation is what is being discussed tonight given the property's unique placement along the roadway, making it a corner lot with two front yards.

Chairperson Flood questioned why it was necessary to be so close to Scenic Drive, given the large amount of property available behind the house. Mr. Kreis stated that he does not want the building in the middle of his backyard, adding that prior to purchasing the additional parcel of land he was informed that he would be able to place it in the proposed location.

Mr. Britt stated that the proposed location is very protected and a prime location as it would be out of everyone's view.

Mr. de la Rosa questioned the height of the peak. Mr. Kreis stated it would be 15' high.

Mr. Pirro inquired what the use of the structure would be and whether access to it would be from the driveway on the side yard. Mr. Kreis stated it would be used strictly for recreational and family use and that, upon speaking with Mark Pigula, Highway Superintendent, he was informed he could access the accessory structure from Scenic Drive along the currently existing apron along the side of the road. Mr. Kreis stated that he would request Mr. Pigula put his statement in writing if necessary.

Mr. LaFlair questioned if water, sewer and/or electrical would be hooked up. Mr. Kreis stated that electrical and plumbing would be.

Mr. Belle questioned the drainage ditch along the property line. Mr. Kreis provided explanation of where the drainage ditch was located.

Mr. Carr stated that the Kreis property does not have a normal side yard set back due to the layout of the lot and the location of the residence creating fronts on two sides, therefore the controlling element is Chapter 30 of the Municipal Code, §600 (H) - General Dimensional Regulations:

Accessory Buildings on Lots Which Do Contain Principal Buildings - No accessory building may be situated in front of the rear of the principal building, except that in the case of a corner lot an accessory building may be situated in front of the rear of the principal building along that side of the principal building which does not face a street and which does not contain the main entryway. However, such an accessory building may not encroach upon any required front, rear or side yard.

Mr. Carr stated that the Municipal Code states that, due to the layout of the property, the accessory structure is not allowed in the side yard and should be placed in the rear yard of the property.

Mrs. Jean Sherwood, of 5742 Scenic Drive, stated she resides across the street from Mr. Kreis and expressed her support of his application, stating she believed the building would be visually unobtrusive.

Mr. Tom Price, Camillus Code Enforcement Officer, stated the he takes exception to Mr. Kreis' claims of being misinformed by the Code Enforcement Office as he personally spent significant time with Mr. Kreis regarding his proposal, during which he detailed the allowed location of the building relative to the sideline and drew the sideline on the survey. He stated that Mr. Kreis returned to the Code

Enforcement office with different drawings displaying where he would like the accessory building placed today. Mr. Price stated his belief that Mr. Kreis was not misinformed but rather misunderstood the instructions he was given.

Mr. Oudemool, Attorney for the Town of Camillus expressed his concerns about this proposal and asked the Board to give serious consideration to this application. He explained that he discussed the application with Mr. Paul Curtin, Camillus Planning Board Attorney, as the proposal was presented to the Planning Board as part of a subdivision request, and Mr. Curtin stated that there was no indication that a building of this magnitude would be built or where it would be placed.

He explained that the request was handled by the Planning Board as a lot line adjustment between neighbors rather than as a subdivision. In doing so, it created a stand-alone lot that has not been merged and an accessory building on a .7-acre parcel, which does not have a principal structure, is not allowable. Mr. Oudemool added that when he inquired of Mr. Curtin why the Planning Board resolution didn't address merging the lots, Mr. Curtin stated that it was an oversight and the Planning Board resolution should have required the applicant to provide a letter to the Assessor's office to facilitate merging the .7 acres with the homestead lot.

He stated further that, if it was the intent to merge the two parcels, then it must be considered as a combined lot and the front lot line and back of the principal structure would need to be established.

Noting that, although the land to the west of this site is currently vacant, Mr. Luber, the property owner, does plan to intensely develop the land in as R-3 residential zoning. The applicant's request is a substantial front yard setback variance, as the structure is within 5' of the property line and in front of the principal residence, which could affect that development.

He commented that the 60' State of New York right of way can't be taken into consideration in figuring distance as the applicant doesn't own it and so the land could eventually be developed.

In conclusion, Mr. Oudemool expressed concern regarding the building size and use (as Mr. Kreis has advertised his business out of his residence) noting that, in his opinion, the application has a number of questionable aspects. He asked the Board to consider the application very carefully and to take into account how the area will change with future development.

Mr. Britt stated he disagreed that the proposed building is behind the residence and commented that several issues brought up by Mr. Oudemool are merely speculation.

Chairperson Flood stated that the Board is aware of the complications within this application and will not be making a decision without a great deal of consideration and until all the aspects have been presented to the Board.

Mr. Carr stated, according to the Municipal Code, this is a lot and, due to the curvature of the road, it fronts two points on Scenic Drive. The proposed structure sits to the south, which is the side yard, the Municipal Code considers a side yard on a corner lot equivalent to another front yard, and so an accessory structure cannot be placed in the side yard.

After a detailed discussion amongst the Board, Mr. Carr, Mr. Britt, and Mr. Kreis regarding measurements to the right of way, Chairperson Flood stated that the Board would need more time to review the application and gather input regarding the exact measurements of the proposed building.

Mr. Feyl moved to continue the Public Hearing until October 20, 2009. Mr. LaFlair seconded the motion and it was unanimously approved.

4. Peter Rinaldi
6321 Newport Road
Warners, NY 13164

TM#: 005.-03-23.0

Area Variance: Parking

Chairperson Flood noted that this application also requires Planning Board Site Plan approval and read a letter from the Camillus Planning Board into the record (attached)

Mr. Rinaldi stated that he was requested by the Camillus Planning Board to provide an up-to-date survey, and a Site Plan which reflects the curb cuts and location of the existing building. Mr. Rinaldi had no additional comments and agreed to continue the Public Hearing until November 5, 2009.

Kathy MacRae, 2nd Ward Councilor, stated she sent out notices to the neighboring homes and did not receive any responses. Councilor MacRae commented that she will send out an additional notice informing surrounding neighbors of continuation of the Public Hearing.

Mr. Pisarek, 1st Ward Councilor, stated that he sent out notices to the surrounding neighbors as well received no responses.

Mr. Belle moved to continue the Public Hearing until November 5, 2009. Mr. Feyl seconded the motion and it was unanimously approved.

Comments of the Public

None

Comments of Town Officials

Mr. Price, Camillus Code Enforcement Officer commented with regard to the Kreis application stating that, while his office has made mistakes in the past, this was in no way a mistake or misunderstanding and, in his opinion, Mr. Kreis has his mind set on what he would like to do and only hears what he wants to hear.

Mr. Fatcheric, Planning Board Chairperson, stated that the Planning Board Clerk sent Mr. Kreis an application to merge the two parcels and requested he submit the application directly to the Assessors office; but he does not believe Mr. Kries has done so.

After a detailed conversation amongst the Board, Mr. Carr, Mr. Price and Mr. Fatcheric regarding front and side yard determinations and definitions, Mr. Carr referred again to Chapter 30 of the Municipal Code, §600 (H) - General Dimensional Regulations.

Accessory Buildings on Lots Which Do Contain Principal Buildings - No accessory building may be situated in front of the rear of the principal building, except that in the case of a corner lot an accessory building may be situated in front of the rear of the principal building along that side of the principal building which does not face a street and which does not contain the main entryway. However, such an accessory building may not encroach upon any required front, rear or side yard.

Old Business

Mr. LaFlair questioned when the remaining blocks next to the new Rite Aid sign in the plaza on West Genesee Street would be removed. Mr. Pirro commented that they were still working on the electrical elements of the sign and once that is completed the blocks are to be removed.

Mr. Feyl questioned when the existing shed in the front yard at the Valerino residence on Newport Road would be removed. Mr. Price stated that it was to be removed once the new building was completed.

New Business

1. **Camillus Elks Lodge #2367**
6117 Newport Road
Camillus, NY 13031

TM#: 006.-01-25.0

Special Use Permit: amendment to Special Use Permit for accessory structure

Mr. Feyl moved to declare this a SEQR Type II action and set the Public Hearing for October 20, 2009. Mr. Belle seconded the motion and it was unanimously approved.

2. **Michael Dixon**
414 Yorkshire Blvd.
Syracuse, NY 13219

TM#: 043.-02-50.0

Area Variance: shed permit

Mr. de la Rosa moved to declare this a SEQR Type II action and set the Public Hearing for October 20, 2009. Mr. La Flair seconded the motion and it was unanimously approved.

Minutes of Previous Meeting:

Mr. Feyl moved to approve the minutes of the September 15, 2009 meeting. Mr. La Flair seconded the motion and it was unanimously approved.

Vouchers

A voucher was received from Melvin & Melvin for legal fees totaling \$968.75.

Mr. de la Rosa moved to approve payment of the voucher. Mr. Pirro seconded the motion and it was unanimously approved.

Correspondence

Chairperson Flood stated that the Parks & Recreation Fall/Winter Brochure is now available and can be picked up at the Town Hall.

Comments of the Board

None

Decisions

1. **St. Pauly Textile, Inc.**
5600 West Genesee Street
Camillus, NY 13031

TM#: 031.-07-40.0

Special Use Permit: amendment to Special Use Permit for clothing donation shed

Mr. Feyl moved to grant the amendment of the existing Special Use Permit for an 8' x 16' storage shed to be used for a clothing drop-off, which will be maintained by St. Joseph's Youth Group, conditioned upon no additional signage other than on the shed proper. Mr. LaFlair seconded the motion and it was unanimously approved.

Adjournment

Mr. de la Rosa made a motion to adjourn the meeting at 8:47 p.m. Mr. Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
October 20, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Ron Belle
Richard de la Rosa
Keith DiBello
Bob Feyl
Michael LaFlair
Steve Pirro (*delayed arrival)

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Bill Davern, 3rd Ward Councilor
John Fatcheric, Planning Board Chairman
Approximately 13 others

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. She noted that Mr. Pirro would be arriving later in the meeting.

Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

**1. Leonard Van Horn
105 Mackay Avenue
Syracuse, NY 13219**

TM#: 042.-02-12.0

Area Variance: uncovered deck on front of residence

This Public Hearing was continued from the October 6, 2009 meeting. Brian Lovell, son the applicants, appeared before the Board.

He explained that the home had an existing 9'6" x 4'8" deck, which was removed due to rot and disrepair. As the previous deck was too small to accommodate a sitting area, the applicants desire to place a new 15' x 4' deck with a small step area extending out another 3' to the existing slab walkway. The deck will be typical pressure treated lumber construction, have 2" x 2" spindle rail sides with a top handrail surrounding all but the step area, and will not be attached to the house. He submitted pictures of the property for the Board's review.

Mr. de la Rosa commented that unattached decks are a normal construction method.

Mr. Feyl inquired whether the deck structure would be below the frost line. Mr. Lovell indicated it would be and would be done at whatever depth is required by the Municipal Code (he believed it to be 4').

Mr. Carr noted that the dimensions of the proposed deck are within what's allowable according to the Municipal Code and the only issue to be considered in the variance is that this would be an uncovered deck with no support columns, rather than a covered porch.

Chairperson Flood noted that the residence to the South has fencing and the one to the North has shrubbery that would block visibility of the deck. She inquired of Mr. Lovell whether any neighbors had expressed objections to the proposed deck; he indicated he was unaware of any.

Mr. Feyl noted that the surrounding homes have similar protrusions into the front yards.

Public Comment

Bill Davern, 3rd Ward Councilor, stated that he had discussed the proposed deck with the neighboring residents and nobody expressed any objections. He also noted that several homes in the neighborhood have similar protrusions into the front yards so this deck would aesthetically fit the look of the neighborhood.

Mr. Feyl moved to close the Public Hearing. Mr. de la Rosa seconded the motion and it was unanimously approved.

**2. Ernest Kreis
5739 Scenic Drive
Camillus, NY 13031**

TM#: 020.-02-05.0

Area Variance: accessory building in front yard setback

This Public Hearing was continued from the October 6, 2009 meeting. Patrick Britt, attorney for the applicant, and Mr. Kreis appeared before the Board.

Mr. Britt provided the building specs and a survey of the property, including the proposed accessory building, to the Board for their review. He noted that, based on feedback received at the last meeting, the proposed building is now located 20' off the property line.

Chairperson Flood inquired whether the applicant had considered relocating the proposed building to another part of his property. Mr. Britt stated that there are not any other viable locations on the property without necessitating removal of trees. He also noted that relocation would make the building more visible to neighbors and from Scenic Drive.

Chairperson Flood had Mr. Kreis clarify the dimensions of the garage on the existing residence, as shown on the survey.

Mr. Britt asked that the Board take into account the unique nature of the lot and the fact that there are no neighbor objections when considering this application. He also noted that the two lots Mr. Kreis purchased were originally intended for residential development and the proposed plan would have less impact on the surrounding area than two new residential homes would.

Mr. Feyl inquired why the applicant could not place the structure in his backyard. Mr. Kreis stated that doing so would obstruct the view of the back of his property from the home. Mr. Britt added that it would also require the removal of large trees and would make the structure more visible from the road.

Mr. LaFlair inquired where the driveway cut would be, as none is indicated on the survey. Mr. Kreis indicated he could access the building from his existing driveway, but also noted

that Mark Pigula, Highway Superintendent, had approved entry to the property from the existing apron on the road.

Chairperson Flood commented that, if the structure were moved back an additional 15', it would not obstruct the view from the back of the house. Mr. Kreis agreed, but stated that placing it in that location would require the removal of some large trees.

Mr. Feyl asked for additional clarification of the driveway location. Mr. Kreis indicated he could be flexible about the location of the garage doors on the structure and the driveway leading to them, noting that convenience isn't necessarily an issue, as the building will only be accessed a dozen times a year.

Mr. de la Rosa noted that although the NYS right-of-way creates a large buffer, it might be removed during future development. He asked Mr. Kreis to consider adding an additional buffer of trees on his own property so that, should the right-of-way buffer ever be removed by NYS, a buffer would still exist. Mr. Belle agreed that the possible future removal of the buffer was of concern.

Chairperson Flood inquired why, if the applicant's business is located in the Lakeland area, he lists the Scenic Drive address as his business address in the phone book. Mr. Kreis stated that the Lakeland location is simply a warehouse and he conducts most of his business via his Scenic Drive telephone number, as that is the one most of his clientele has. He stated the accessory building would never be used for business purposes.

Mr. Feyl moved to close the Public Hearing. Mr. Belle seconded the motion and it was unanimously approved.

**3. Camillus Elks Lodge #2367
6117 Newport Road
Camillus, NY 13031**

TM#: 006.-01-25.0

Special Use Permit: amend to allow accessory structure

Brian Payette of the Camillus Snowmobile Club appeared before the Board. He explained that they desire to place a temporary garage approximately 22' from the property line, at a 90 degree angle behind the two existing buildings to the rear of the Camillus Elks Lodge, which would be used to house their snowmobile trail grooming equipment. The structure is a 14' x 40' portable garage constructed of 2 ¼" internal steel poles with a 40' canvas over it, front and rear canvas walls, and a canvas front door. Only the front would be visible from Newport Road.

Chairperson Flood stated that typically, Site Plan review by the Planning Board is required for such an application but, in discussing the application with John Fatcheric, Planning Board Chairperson, they determined that Site Plan review could be waived due to the lack of complexity in this proposal.

Mr. LaFlair inquired why it is a temporary structure. Mr. Payette explained that, as they do not own the property it would be placed upon, they chose to purchase a structure that could be moved if necessary.

Mr. Feyl remarked that the Elk's Club is doing all it can to stay viable and, given that the Camillus Snowmobile Club provides the Elk's Club with significant support, he supports the request.

Public Comment

Bill Davern, 3rd Ward Councilor, complimented the Camillus Snowmobile Club on their work with special needs children and hopes they receive the approval they need to continue that.

Mr. Feyl moved to close the Public Hearing. Mr. de la Rosa seconded the motion and it was unanimously approved.

- 4. Michael Dixon**
414 Yorkshire Blvd.
Syracuse, NY 13219

TM#: 043.-02-50.0

Area Variance: accessory building forward of the rear building line

Mr. Dixon appeared before the Board and explained that his property has an existing shed in the backyard, which is rotting and in disrepair. In the 33 years since it was constructed, he has added an in ground pool and home additions to the property. He had a new shed commissioned and delivered, believing he did not require a building permit because it was not constructed on site.

Mr. Dixon stated that the new shed is located next to the residence and aesthetically blends well with the house and the cedar fence behind it. He explained that attempting to relocate the shed to the backyard would cause considerable damage to his pool filtration system and noted that his neighbors have no objections to its location; in fact, one even uses the shed for their own personal storage.

Public Comment

Bill Davern, 3rd Ward Councilor, stated that he has discussed the matter with surrounding neighbors, none of whom expressed objections. He noted that he visits the neighborhood on a regular basis and never even noticed the shed as it is so well camouflaged.

Mr. La Flair moved to close the Public Hearing. Mr. Feyl seconded the motion and it was unanimously approved.

NEW BUSINESS

- 1. Widewaters**
3504 West Genesee Street
Syracuse, NY 13219

TM#: 047.-06-10.0

Area Variance: total allowable signage

Mr. de la Rosa moved to declare this a SEQR Type II action and set the Public Hearing for November 5, 2009. Mr. Feyl seconded the motion and it was unanimously approved.

2. Tom Kehoskie
99 Yorkshire Boulevard
Syracuse, NY 132190

TM#: 041.-01-55.0

Area Variances: required lot area, side yard setback, and buffer

Mr. de la Rosa moved to declare this a SEQR Type II action and set the Public Hearing for November 5, 2009. Mr. La Flair seconded the motion and it was unanimously approved.

MINUTES OF THE PREVIOUS MEETING

Mr. Feyl moved to approve the minutes of the October 6, 2009 meeting. Mr. DiBello seconded the motion and it was unanimously approved.

VOUCHERS

A voucher was received from the Post-Standard for legal advertisements totaling \$55.28.

Mr. Feyl moved to approve payment of the voucher. Mr. DiBello seconded the motion and it was unanimously approved.

*Mr. Pirro arrived at 8:10 p.m.

DECISIONS

1. Leonard Van Horn
105 Mackay Avenue
Syracuse, NY 13219

TM#: 042.-02-12.0

Area Variance: uncovered deck on front of residence

Mr. de la Rosa moved to grant a variance to allow an uncovered 7' x 15' deck on the front of the residence. Mr. Feyl seconded the motion and it was unanimously approved.

2. Ernest Kreis
5739 Scenic Drive
Camillus, NY 13031

TM#: 020.-02-05.0

Area Variance: accessory building in front yard setback

Mr. Feyl moved to grant a variance to allow an accessory structure 20' off the front property line adjacent to Scenic Drive. Mr. La Flair seconded the motion.

After discussion amongst the Board, Mr. Feyl amended his motion as follows: grant a variance to allow an accessory structure 20' off the front property line adjacent to Scenic Drive, conditioned upon a buffer of trees planted in a 6 x 6 configuration being added along the full length of the South side of the structure and that there be no driveway on the South

side of the structure. Mr. La Flair seconded the motion and, as it was not unanimously approved, the Board was polled:

Ayes: Mr. Belle, Mr. La Flair, Chairperson Flood, Mr. Pirro, Mr. DiBello, Mr. de la Rosa
Nos: Mr. Feyl

Motion carried.

**3. Camillus Elks Lodge #2367
6117 Newport Road
Camillus, NY 13031**

TM#: 006.-01-25.0

Special Use Permit: amend to allow accessory structure

Mr. Feyl moved to grant an amendment to the existing Special Use Permit to allow a temporary garage to be place on the North property line, for use by the Camillus Snowmobile Club. Mr. Belle seconded the motion and it was unanimously approved.

**4. Michael Dixon
414 Yorkshire Blvd.
Syracuse, NY 13219**

TM#: 043.-02-50.0

Area Variance: accessory building forward of the rear building line

Mr. Feyl moved to grant a variance to reduce the side yard setback by 2' and allow an accessory building forward of the rear building line. Mr. de la Rosa seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. Feyl moved to adjourn the meeting at 8:25 p.m. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Interim Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
November 5, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Ron Belle
Richard de la Rosa
Bob Feyl
Michael LaFlair
Steve Pirro

STAFF PRESENT:

Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Approximately 2 others

ABSENT

Keith DiBello

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. Widewaters

TM#: 047.-06-10.0

**3504 West Genesee Street
Syracuse, NY 13219**

Area Variance: total allowable signage

Chris Parker appeared on behalf the applicant. He explained that they have recently renovated the façade of the building and now wish to restore the sign for the Cosmo Pro, a tenant of the building.

Mr. Parker explained that they are seeking a variance on the total allowable signage for the building in order to accommodate a larger sign for Cosmo Pro, which would be more aesthetically suitable to the amount of space over their location on the building.

Chairperson Flood inquired if there would be any changes to the pylon sign for the property and Mr. Parker indicated there would not.

Mr. de la Rosa commented that he prefers having the street number visible on the property and Mr. Parker indicated the street number would be displayed in large brass numbers on the building archway, facing West Genesee Street.

Mr. Pirro remarked that the new façade is a great improvement and noted he does not believe allowing a larger sign will have a negative effect.

Mr. Feyl inquired whether the signs on the building would be uniform and, if so, whether the signage for the front of the building would require an additional variance. Mr. Parker explained that, per the terms of their leases, the other tenants are responsible for their own signs however, Widewaters does retain approval authority over the signs and would require uniformity.

Mr. Feyl indicated he was hesitant to grant individual variances for each sign and inquired whether all the signage could be proposed at once and one single variance granted. He noted his belief that, due to the exposure on the existing pylon sign on the main roadway, no tenant would be denied appropriate signage. Mr. Parker stated he was unable to do so because they cannot require the tenants to place a sign if they do not care to or cannot afford to at this time.

Mr. LaFlair inquired about sign lighting and Mr. Parker stated it would be an exterior lit sign.

Chairperson Flood acknowledged Mr. Feyl's point but, since Mr. Parker has no control over when or if the other tenants install signage, she believed it would be detrimental to delay his proposed sign. Mr. Belle concurred. Chairperson Flood also noted that, as the store faces Sunnybrook Drive and a busy plaza on the adjacent property, the signage is very important exposure for the business.

Mr. Parker added that this variance would likely be the largest variance due to the expansive storefront of the Cosmo Pro location and that Widewaters' square footage limitations would likely prevent any oversized signs from being approved by them to begin with.

Chairperson Flood asked the opinion of the ZBA Attorney with regard to issuing an individual variance for the Cosmo Pro sign. Ms. Otto indicated that was the prerogative of the Board and clarified the details of the tenant leases and the renovation project underway, noting that failure to issue a variance could potentially cause risk for Widewaters due to lack of signage for their tenant, Cosmo Pro.

Mr. Pirro inquired about the planning used in developing the sign and Mr. Parker stated that the signage length is a factor of the lettering size used and so the proposed sign was designed specifically to fit the 8' span architecturally created to house the sign.

After discussion amongst the Board about the sign proposed, the zoning law, and the variance requested, Chairperson Flood suggested a continuance to allow the applicant time to propose a sign with reduced lettering size. Mr. Parker offered to amend the sign proposal to accommodate 24" letters. Mr. Feyl noted this would reduce the variance to 20' and that the height requirement would need to apply to all future tenant signs as well, which would eliminate the need for any future variances. Mr. Parker agreed.

Mr. Feyl moved to close the Public Hearing. Mr. Pirro seconded the motion and it was unanimously approved.

3. **Tom Kehoskie**
99 Yorkshire Boulevard
Syracuse, NY 132190

TM#: 041.-01-55.0

Area Variances: required lot area, side yard setback, and buffer

Tom Kehoskie appeared to address his application.

Chairperson Flood noted that the Planning Board did approve Mr. Kehoskie's Site Plan, conditioned upon the ZBA granting the three variances being sought by the applicant. She noted that the property is zoned LBO and any tenants of the building would need to fit the requirements of that zoning classification. She reviewed the variances being sought as follows:

- Variance to reduce the required lot area & width by 3314'
- Variance to reduce the required side yard area by .7'
- Variance to reduce the buffer strip by 23' on the north side of the property

Mr. Kehoskie stated that the property owner adjacent to the north side of the property is in favor of the Site Plan, as are the other neighbors he has contacted and noted that it is his desire to have the necessary paving done before the end of the month.

Mr. Feyl noted that the variances being requested for lot area and side yard area are largely due to zoning law changes that have been implemented since this property was originally developed and that Mr. Kehoskie is actually improving the existing buffer, so he supports granting these variances.

Mr. Belle inquired whether any changes would be made to the island in the middle of Yorkshire Boulevard and Mr. Kehoskie indicated there would not be.

Chairperson Flood clarified that incoming traffic would need to travel northbound on Yorkshire Boulevard, make a u-turn onto southbound Yorkshire Boulevard in order to access the property entrance, and would exit only onto southbound Yorkshire Boulevard.

Mr. La Flair inquired whether there would be dumpsters on the property and Mr. Kehoskie indicated there would be, as approved as part of the Site Plan submitted to the Planning Board.

Mr. Feyl moved to close the Public Hearing. Mr. Belle seconded the motion and it was unanimously approved.

OLD BUSINESS

Chairperson Flood noted that Gregory Rinaldi informed the Board that it would likely be two months before he is prepared to proceed with his application.

NEW BUSINESS

None

MINUTES OF THE PREVIOUS MEETING

Mr. Feyl moved to approve the minutes of the October 20, 2009 meeting. Mr. Pirro seconded the motion and it was unanimously approved.

VOUCHERS

A voucher was received from Melvin & Melvin for legal services totaling \$1375.00.

Mr. de la Rosa moved to approve payment of the voucher. Mr. Feyl seconded the motion and it was unanimously approved.

DECISIONS

1. Widewaters

TM#: 047.-06-10.0

**3504 West Genesee Street
Syracuse, NY 13219**

Area Variance: total allowable signage

Mr. Feyl moved to grant a variance to reduce to the total allowable signage by 20 square feet, conditioned upon the signage lettering for all building signs not exceed 24" in height. Mr. Pirro seconded the motion and it was unanimously approved.

2. Tom Kehoskie

TM#: 041.-01-55.0

**99 Yorkshire Boulevard
Syracuse, NY 132190**

Area Variances: required lot area, side yard setback, and buffer

Mr. Feyl moved to grant a variance to reduce the required lot area and width by 3314', a variance to reduce the required side yard area by .7', and reduce the buffer strip by 23' on the north side of the property, pursuant to the conditional Site Plan approval of the Planning Board. Mr. Belle seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. de la Rosa moved to adjourn the meeting at 7:55 p.m. Mr. Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Interim Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
December 1, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Ron Belle
Keith DiBello
Bob Feyl
Steve Pirro

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Roger Pisarek, 1st Ward Councilor
2 others

ABSENT

Richard de la Rosa
Michael LaFlair

Chairperson Flood called the meeting to order at 7:03 p.m., followed by the Pledge of Allegiance.

Mr. Feyl moved to waive the reading of the Public Hearing notices. Mr. Belle seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **Brian Holzwarth
106 Terrace Drive
Syracuse, NY 13219**

TM#: 055.-06-06.0

Area Variance: accessory structure in front yard

The applicant failed to appear before the Board to address his application, which is to request a variance to allow a satellite dish in his front yard.

Chairperson Flood noted that the satellite dish is already in place on the property and the applicant is a renter of the property, not the property owner.

Mr. Carr explained that an FCC pre-emption supersedes any Town regulation that impairs the ability to get satellite reception. Although the Town has a regulation stating no structures are allowed in the front yard, satellite dishes sized one meter and under might not be regulated by the Town due to the FCC pre-emption. He noted that if the applicant can provide evidence that there is a functional necessity to have the satellite dish in the front yard the Town has no recourse and cannot dictate aesthetics. However, if the applicant can get acceptable reception from the back yard, the Town regulations would apply because they would not be impairing his reception.

Mr. DiBello noted that the satellite dish is aesthetically unpleasing, but it seems that if they cannot get reception from the backyard, the Town is unable to take any action due to the federal laws. He also stated that the applicant should submit proof of the testing done to determine the front yard is the only viable location.

Mr. Feyl stated that many homes have satellite dishes on the porch roofs or house roofs, many facing the road and he doesn't see how that is any more aesthetically pleasing than having one in the front yard.

Mr. Belle expressed his belief that the applicant did not appear to address the application because he feels the federal law exempts his satellite dish, so there is nothing the Town can do about it. However, given that he filed an application, Mr. Belle felt the applicant, the homeowner, and Mr. Salanger, 4th Ward Councilor, should have all appeared to discuss the application and answer the Board's questions and the applicant should have submitted a drawing of the property and details of the backyard reception problems. He further stated that the Town Board should address this law to ensure that anyone wishing to seek pre-emption under the FCC law should be required to meet certain landscape or screening criteria.

Mr. Pirro agreed the dish is aesthetically unpleasing and noted there seems to be a good deal of yard space between the house & the trees in the backyard.

Chairperson Flood suggested continuing the Public Hearing until the December 15, 2009 meeting and requested Mr. Carr send correspondence to the applicant asking him to provide the additional details discussed.

Mr. DiBello moved to continue the Public Hearing to December 15, 2009. Mr. Belle seconded the motion and it was unanimously approved.

COMMENTS OF TOWN OFFICIALS

Councilor Pisarek, having expertise with satellite dish technology, addressed the Board regarding the Holzwarth application. He explained that the smaller satellite dishes use higher frequencies, which causes them to be highly susceptible to interference, so a clear line to the sky is needed. He suggested they might consider mounting the dish on the side of the house or adjacent to the house as an alternative.

He also wished everyone happy holidays.

MINUTES OF THE PREVIOUS MEETING

Mr. Feyl moved to approve the minutes of the November 5, 2009 meeting. Mr. Belle seconded the motion and it was unanimously approved.

VOUCHERS

A voucher was received from Melvin & Melvin for legal services totaling \$625.00.

A voucher was received from the Post Standard for legal advertising totaling \$264.01

Mr. Feyl moved to approve payment of the voucher. Mr. Pirro seconded the motion and it was unanimously approved.

CORRESPONDENCE

Chairperson Flood stated that SOCPA has provided its 2010 schedule.

COMMENTS OF THE BOARD

Mr. DiBello announced that he would not be seeking reappointment to the Board.

ORGANIZATIONAL

Chairperson Flood stated that in 2010, the ZBA meetings would be held on the first and third Tuesdays of each month at 7:00 p.m. with the exception of the first meeting in November, which will be held on Thursday, November 4.

Chairperson Flood stated she had been contacted by Mr. de la Rosa, who requested that she move on his behalf to recommend Mr. Feyl as Vice-Chairperson for 2010. The motion was seconded by Mr. Belle and unanimously approved.

Mr. Feyl moved to recommend Ms. Flood as Chairperson, Melvin & Melvin as ZBA Attorneys, and Krista Kenna as ZBA Clerk for 2010. Mr. Belle seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. Feyl moved to adjourn the meeting at 7:35 p.m. Mr. DiBello seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Interim Clerk
Zoning Board of Appeals

**Town of Camillus
Zoning Board of Appeals
December 15, 2009 - 7:00 p.m.**

PRESENT:

Joy Flood, Chairperson
Ron Belle
Richard de la Rosa
Bob Feyl
Michael LaFlair
Steve Pirro

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Roger Pisarek, 1st Ward Councilor

ABSENT

Keith DiBello

Chairperson Flood called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. Feyl seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **Brian Holzwarth
106 Terrace Drive
Syracuse, NY 13219**

TM#: 055.-06-06.0

Area Variance: accessory structure in front yard

This Public Hearing was continued at the December 1, 2009 meeting because the applicant failed to appear before the Board to address his application, which requests a variance to allow a satellite dish in the front yard.

Mr. Carr confirmed that he sent, at the Board's request, additional correspondence to the applicant noting he was required to appear to address his application and requesting that he be prepared to provide details about the necessity of placing the satellite dish in the front yard. The letter cautioned that if the applicant did not appear, the application would be dismissed.

Chairperson Flood clarified that, as the satellite dish is being considered a front yard structure according to the application, it would be incumbent upon the applicant to prove the necessity of it being in the front yard to achieve sufficient reception in order to invoke the federal statute pre-emption.

Mr. Belle moved to deny the application based upon the applicant's failure to appear and provide sufficient evidence to support the necessity of the structure being in the front yard and moved to request that the Code Enforcement Office cite the applicant. Mr. LaFlair seconded the motion.

Discussion:

Mr. Feyl stated his belief that the application cannot be denied due to the federal pre-emption and because there is no evidence upon which to do so.

Chairperson Flood agreed that the application couldn't be denied and suggested it should instead be dismissed due to lack of information and failure of the applicant to appear.

Mr. de la Rosa clarified what the applicant's option for resubmission of the issue would be in the case of a denial versus a dismissal.

After the Board discussed at some length the options of denial and dismissal, Chairperson Flood requested that Mr. Carr provide clarity. He summarized that the application as filed does present certain base facts however, they aren't sufficient to support the necessity of the satellite dish being placed in the front yard. In order to invoke the federal pre-emption, which would exempt the satellite dish from local regulations, the applicant must prove that the local regulation affects his ability to obtain sufficient reception and he has failed to do so.

The previous motion was put to a vote:

Nos: Mr. de la Rosa, Chairperson Flood, Mr. Feyl

Ayes: Mr. Pirro, Mr. La Flair, Mr. Belle

Motion failed.

Mr. Feyl moved to dismiss the application based upon the applicant's failure to appear and provide sufficient evidence to support the necessity of the structure being in the front yard. Mr. de la Rosa seconded the motion and it was unanimously approved.

COMMENTS OF TOWN OFFICIALS

Councilor Pisarek wished everyone happy holidays and noted that it has been his pleasure to work with the members and staff of the ZBA.

NEW BUSINESS

1. **Coppertop Tavern**
3380 Milton Avenue
Syracuse, NY 13219

TM#: 046.-01-01.1

Area Variance: Total signage

Mr. Feyl moved to set the Public Hearing for January 5, 2010. Mr. de la Rosa seconded the motion and it was unanimously approved.

MINUTES OF THE PREVIOUS MEETING

Mr. Feyl moved to approve the minutes of the December 1, 2009 meeting. Mr. Belle seconded the motion and it was unanimously approved.

COMMENTS OF THE BOARD

Chairperson Flood noted that the Town's organizational meeting is scheduled for Monday, January 4 and that the tentative date for Onondaga County Planning's training is March 4.

She also wished everyone happy holidays and expressed her thanks to everyone for their service to the ZBA and the Town.

Mr. Belle wished everyone a Merry Christmas and Happy New Year.

ADJOURNMENT

Mr. Feyl moved to adjourn the meeting at 7:35 p.m. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Interim Clerk
Zoning Board of Appeals

A

Allied Sign Co.
Area Variance, 35, 37
AT&T
Special Use Permit, 1

B

Barber, Stacy
Area Variance, 22, 27, 30
Bethel Community Church
Special Use Permit, 22, 28, 30
Blackmore Road-#113
Area Variance, 13, 16, 19, 37, 39, 41
Blue, Paul
Area Variance, 40, 42, 45

C

Camillus Elks Lodge
Special Use Permit, 58, 62, 65
Capucilli Jr., Dan
Area Variance, 13, 16, 19, 37, 39, 41
Cheeburger Cheeburger
Special Use Permit, 5, 8
Coppertop Tavern
Area Variance, 44, 46, 49, 74

D

Devoe Road-#6118/6720
Special Use Permit, 1
Dixon, Michael
Area Variance, 58, 63, 65

G

Gillespie Avenue-#200
Special Use Permit, 22, 28, 30
Granger Road-#905
Area Variance, 43, 45
Gross, Julie
Special Use Permit, 18, 20, 23
Groundwater & Environmental Services Inc.
Area Variance, 44, 48

H

Hinsdale Road-#509
Use Variance, 12, 15, 19
Holzwarth, Brian
Area Variance, 70, 73

K

Kehoskie, Tom
Area Variance, 64, 68, 69

Kreis, Ernest
Area Variance, 51, 54, 61, 64

L

Lyons Road-#2656
Area Variance, 40, 42, 45

M

Mackay Avenue-#105
Area Variance, 51, 54, 60, 64
Milton Avenue-#3380
Area Variance, 44, 46, 49, 74

N

Newport Road-#6006
Area Variance, 22, 24, 30
Newport Road-#6117
Special Use Permit, 58, 62, 65
Newport Road-#6321
Area Variance, 57
Northside Collision
Use Variance, 12, 15, 19

P

Pinewood Drive-#203
Area Variance, 22, 27, 30

R

Rinaldi, Peter
Area Variance, 57

S

Scenic Drive-#5739
Area Variance, 51, 54, 61, 64
Simmons Terrace-#108
Special Use Permit, 18, 20, 23
Southworth, Ray
Area Variance, 29, 32, 34
St. Pauly Textile, Inc.
Special Use Permit, 48, 50, 53, 59

T

Terrace Drive-#106
Area Variance, 70, 73
Tree Landers Tree Service, LLC
Special Use Permit, 7, 9, 11

V

Valerino, Jr., Albert
Area Variance, 22, 24, 30

Van Buren Road-#6429
Special Use Permit, 7, 9, 11
Van Horn, Leonard
Area Variance, 51, 54, 60, 64
Vanida Drive-#104
Area Variance, 29, 32, 34

Special Use Permit, 5, 8
West Genesee Street-#5401
Area Variance, 44, 48
West Genesee Street-#5600
Special Use Permit, 48, 50, 53, 59
West Genesee Street-3504
Area Variance, 66
Widewaters
Area Variance, 63, 66, 69

W

Y

Webb, Susan
Area Variance, 43, 45
West Genesee Street-#3504
Area Variance, 63, 69
West Genesee Street-#4107
Area Variance, 35, 37
West Genesee Street-#5362

Yorkshire Boulevard-#414
Area Variance, 58, 63, 65
Yorkshire Boulevard-#99
Area Variance, 64, 68, 69