

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
January 4, 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Ron Belle
Don Borsky
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

Kathryn MacRae, 2nd Ward Councilor
Jim Salanger, 4th Ward Councilor
Diane Dwire, 5th Ward Councilor
Dirk Oudemool Esq., Town Board Attorney

Approximately 10 others

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the advertisement for tonight's Public Hearings, Mr. Kilburg seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **BTHO, Inc.** **TM#: 065.-04-13.1**
112 Kasson Road
Camillus, NY 13031
(Continued from 12/7/04)

Area Variance: Reduce number of parking spaces

Mr. Michael Villa of AnCor Inc., representing BTHO, Inc. appeared before the Board and distributed new information related to the project to the Board. He asked that he be allowed to make his presentation in order to keep the hearing open while other issues are pending before the Town Planning Board.

Mr. Villa presented a modified plan, showing a single, wider entrance on the northern boundary and the previously shown southern boundary closed off. He noted that Benderson, Inc. currently is proposing a traffic light in the middle of this property but BTHO, Inc. is unable to accommodate that given the current setup. They are currently in negotiations regarding this matter.

The plan being proposed shows 52 parking spaces for a 3500 square foot restaurant with 1500 square feet of common space and 6500 square feet of retail space. Based on the current Municipal Code guidelines for restaurants and the proposed change currently before the Town Board for retail parking guidelines (a reduction from the current 1 space/200 square feet to 1 space/300 square feet), a total of 56 parking spaces would be required. The applicant is seeking a variance for the 4 parking spaces

not accommodated on the plan however, because the Board is unable to take action on this issue until the Town Board renders a decision on the parking code change, he is requesting that this public hearing be continued until such time as a ruling is made by the Town Board.

Mr. Borsky noted the Planning Board attorney's concern that a variance on the rear buffer might be required because the applicant does not own the trees currently existing in that area. Mr. Villa stated that a property survey has been conducted and it determined that the applicant does own the trees at the rear of the property, although the overgrowth has encroached on the neighboring properties to the rear.

Mr. Burke confirmed with Mr. Villa that the Planning Board has not yet approved the site plan before them on this project. He also asked Mr. Villa to clarify and demonstrate on the drawings the current paved areas on the site.

Ms. Flood inquired where the dumpsters would be placed within the site. Mr. Villa explained that tote bins rather than dumpsters will be used and they will be located in "cut out" areas on the back of the building, pulled out hydraulically and emptied by disposal trucks.

Chairman Feyl confirmed that once the Town Board renders a decision on the proposed change to the code's parking requirements and the Planning Board approves the changes submitted by the applicant, the Zoning Board of Appeals would be able to consider the matter of the parking space variance.

Public Comment:

Mr. Don Christo of 126 Thornton Circle N. expressed his concerns that 10-12 parking spaces on the proposed plan for this project are in the buffer zone. He also is concerned that the applicant has not identified the tenants of the 6500 square feet of retail space included in the project.

Vicky Christo of 126 Thornton Circle N. requested that all parking requirements in the Town of Camillus be reviewed. She is concerned that the parking lot of the apartment complex she owns, located directly behind the 112 Kasson Road property, will be utilized as overflow parking by patrons of these businesses.

Janet Farrelly of 17 Genesee Road inquired how snow would be removed from the site.

Dirk Oudemool, Esq., attorney for the Town Board, confirmed that the Town Board is indeed currently considering amendments to the parking regulations and stated he has given his support of this amendment based on his research, which shows that the current parking ratios are excessive in comparison to actual usage and in comparison to other communities.

Mr. Oudemool went on to explain that the Town Board is considering changing the zoning classification of this parcel from C-2 to C-1, as the property was previously zoned for a number of years. The Town Board is also considering the allowance of restaurants without alcohol or a drive thru in a C-1 district. The Town Board has asked Mr. Villa if, as part of the application for this development project, he would consider limiting restaurant usage on this site to 3500 square feet and has asked Mr. Villa's client

not to oppose the described zone change on the parcel. Mr. Oudemool expects that there may be developments on these items pending before the Town Board within the next several weeks.

Ann Henderson of 218 Peterson Drive recommended that the Town be very careful about any zone changes and expressed her concern about code changes made to accommodate proposed developments.

Chairman Feyl confirmed that this hearing would be continued until the Zoning Board of Appeals receives a response from the Town Planning Board.

2. **Fairmount Free Methodist Church** **TM#: 050.-02-03 (church)**
804 Onondaga Road **TM#: 050.-02-02 (vacant lot)**
Syracuse, NY 13219
(Continued from 12/07/04)

Special Use Permit: Expand parking lot

Chairman Feyl noted that the Town Planning Board is still awaiting receipt of a variety of information requested of this applicant on 11/22/04. Until the matter is completed with the Planning Board, the Zoning Board of Appeals is unable to act.

He stated that this hearing would be continued until the next Zoning Board of Appeals meeting to be held on February 1, 2005.

There was no public comment.

3. **Brian O'Hara** **TM#: 027.-03-04.0**
5491 Munro Road
Camillus, NY 13031

Area Variance: Construct garage forward of the rear building line

Mr. O'Hara appeared before the board to request an area variance with regard to a garage he is proposing to build, which he'd like situated even with the front of the house. He explained that, were he to construct the garage even with the backline of the house, he would be very close to the five-foot offset of the property line.

He presented a survey he recently commissioned and noted that it was discovered in the survey process that approximately 20 feet of land on the westerly property line, land he has been maintaining for 20 years, does not belong to him. He is currently in negotiations to purchase that property from the owning neighbor but, in the interim, if the garage is not moved forward as he is requesting, he will be too close to that property line, as it exists today. Further, if the garage is at the rear property line, behind the house, it will be approximately 100 feet from the road, which he'd like to avoid if possible.

Mr. O'Hara's described his house as being a two-story wood framed colonial constructed in 1955, approximately 65 feet long and 28 feet wide. He has recently

replaced the roof, painted the house, is currently doing some concrete work, and intends to install sidewalks in the spring.

Mr. O'Hara described his three closest neighbors as being 100 yards, 300 yards, and 500 yards away with a two attached garages, a large two store detached garage, and an underground garage respectively. The closest neighbor has stated his support of Mr. O'Hara's proposed garage. Mr. O'Hara believes that the proposed garage would be consistent with the houses in Camillus and on the street.

Mr. de la Rosa confirmed with the applicant that the breezeway shown on the drawing does not currently exist. Mr. Borsky confirmed with the applicant that the house structure does include a room that was converted from a previously existing garage. He also confirmed with the applicant that the existing fence and shed would be removed and that Mr. O'Hara will make efforts to match the garage siding and look to that of the existing structure should the variance be granted. Mr. Kilburg questioned the angle of the proposed garage and confirmed with the applicant that the size of the proposed structure is 28 feet wide & 48 feet deep.

There was no public comment.

Chairman Feyl noted that a decision on this matter would be rendered later in this same meeting.

4. **William Duke**
5987 Belle Isle Road
Syracuse, NY 13209

TM#: 015-01-11.0
TM#: 015-01-07.1

Special Use Permit: Operation of a plumbing business.

Mr. Rocco Mangano, attorney representing the applicant, appeared before the Board on behalf of Mr. Duke, owner and operator of Duke's Plumbing. He explained that Mr. Duke is currently renting the property in question from Patsy & Eugene Bianchi who formerly operated an excavating business on the site, and it in contract to purchase it. Based on the Town of Camillus Municipal Code, §1303, Mr. Duke is seeking a special use permit to operate a "contractor services" type business on this property. The requirements of such a special permit are that the character of the neighborhood must be considered and any potential adverse impacts must be considered, along with any mitigating factors.

Mr. Mangano explained that a light use is being proposed for this property. The business consists of 15 employees so there will be trucks and automobiles entering and exiting the property but traffic will be light and no noise or fumes will be created on the property as the only purpose will be to house the business office and storage facilities.

He stated his belief that the use is consistent with the unique nature of Belle Isle Road. Although the area is zoned residential, the uses are mixed and the use being proposed essentially equates to the former use of the property, albeit on a lesser scale, leaving no negative impact on neighborhood character and possibly offering positive impact. Mr. Mangano distributed photographs to the Board that illustrate his points as well as letters

of recommendation from property neighbors John and Patricia Williams and Eleanor Winkleman, all of whom have no objections to the special use permit.

Returning to the topic of traffic and parking, Mr. Mangano reiterated that the business currently has 15 employees and the property has ample room behind the building to store these vehicles with the adequate screening required in Municipal Code §1303. The gravel lots are partially screened by the existing vegetation and the surrounding neighbors have stated they do not feel there is a need for barrier fencing. Although most vehicles will be screened by the building or be kept inside the building, some 10 to 12-foot high panel trucks may be visible and Mr. Mangano stated the impracticability of trying to build a screen for that size vehicle.

Chairman Feyl confirmed that the applicant will be appearing at the next Planning Board meeting and that the screening issues will be reviewed at that time.

Mr. Borsky inquired what future expansion potential there is for the business and Mr. Duke explained he has no such intent. Mr. Mangano offered that the property does allow room for modest future growth, should someone else have the desire. Mr. Borsky also expressed his concern for increased traffic on the road and Mr. Duke confirmed that they leave once in the morning and return once at the end of the day.

Public Comment:

Eleanor Winkleman expressed her support of the applicant's project, noting his is an exemplary neighbor and she experiences no negative impact from the business located on the property.

Tom Price, Camillus Code Enforcement Officer, inquired whether any special use permit issued would stay with the owner or the property. Zoning Board of Appeals attorney Ron Carr stated that they generally run with the land but may also be limited to the character of the use. Mr. Price also inquired whether Mr. Duke is purchasing and buying both tax parcels referred to in the application and Mr. Mangano confirmed that he was.

Kathy MacRae, 2nd Ward Councilor, stated that she has received positive and supportive feedback from the neighbors regarding Mr. Duke and his plans for the property.

Mr. Carr asked the applicant to specify the square footage proposed for the northern parking area. Mr. Mangano estimated it to be .6 acres and stated the lower parking is open ended at this time.

Chairman Feyl stated that this hearing would be continued pending response on the matter from the Town of Camillus Planning Board, at which time the Zoning Board of Appeals will render a decision.

5. **Daniel Stanistreet
Dublin Development Corp.
3478 Warners Road
Camillus, NY 13031**

TM#: 018.-01-16.0

Area Variance: Reduce minimum apartment square footage

Mr. Stanistreet appeared before the Board to request an area variance to reduce the required square footage for four new apartment units to be added to the first floor of the existing building. Four apartments currently exist on the second floor of the building and it is the applicant's intent to make the facility an adult living center consisting of one-bedroom apartments. The variance request to reduce the required square footage from 600 square feet to approximately 540 square feet is the result of the existing spatial constraints of the building and a desire to mirror the first floor additions to the existing second floor layout. The applicant stated that the property's former status was as a non-conforming R-3 use with apartments and a retail space and the applicant has taken it to an LBO zone.

Chairman Feyl confirmed with the applicant that hallways are not included in the 540 square feet quoted for each first floor apartment. He clarified that the application submitted to the Board notes a reduction to 500 square feet, not 540 square feet. Chairman Feyl cited a letter received by the Board from Town Code Enforcement Officer, Tom Price, noting that the application submitted erroneously requests a reduction in dwelling size from 600 square feet, which should be changed to 768 square feet, which is what the Municipal Code dictates.

Mr. Stanistreet explained that when the Planning Board referred him to the Zoning Board of Appeals, they interpreted the Municipal Code as requiring 600 square feet, which is what he based his application on. He subsequently received communication from Mr. Price noting that the square footage was different from what the application noted but, at that point, Mr. Stanistreet had already submitted his application.

Chairman Feyl further cited an email received from the Chairman of the Planning Board noting that Board's belief that the 768 square foot figure only applies to one-story buildings and that the required size for Mr. Stanistreet's development should be 600 square feet. Paul Curtin, Planning Board Attorney, is to supply a letter reviewing the Planning Board's position to the Zoning Board of Appeals, as well as discussing the issue with Mr. Carr, Zoning Board of Appeals Attorney. To date neither has occurred.

Mr. Stanistreet cited a letter in his possession from the Planning Board stating that they favor the relief he is requesting based on the fact that the new units will be approximately 35 square feet short of the 600 square foot requirement, which is an insignificant amount in consideration of the rezoning of the property that has occurred, and that he is physically restricted by the improvements that currently exist.

Mr. Burke inquired of Mr. Carr whether the Zoning Board of Appeals had a right to interpret the Municipal Code in question. With Mr. Carr's approval, Mr. Burke stated his belief that an error was made when the Municipal Code was changed to allow residential uses in an LBO district in that another entry stating that, unlike single-family uses, multi-family uses in an LBO would only require 600 square feet per unit, consistent with other R-4 zoned properties.

Mr. Dirk Oudemool, Town Board Attorney, stated that at the time the Municipal Code change was developed, it was not considered that the change would be interpreted as Mr. Price has. He confirmed that the intent was never to require multi-family units in

LBO districts to be of greater size than that specified for R-4 districts and stated his opinion that 600 square feet should be the standard applied in considering this application.

Mr. Burke moved that the Zoning Board of Appeals interpret the Municipal Code to require that, for multi-family use in an LBO when approved by the Municipal Code, that the minimum dwelling unit size is 600 square feet, as defined for any district that allows for multi-family use. The motion was seconded by Mr. Kilburg and unanimously approved.

Mr. Carr clarified that Mr. Stanistreet is looking for a reduction to 540 square feet as he is stating or for a reduction of 500 square feet as the application states. Mr. Stanistreet explained that the discrepancy is due to the fact that he has not been ascertain what is to be included in the square footage figure requested and so the 540 square feet represents the actual living space, which the Board confirmed is all that is required.

Public Comment:

Kathy MacRae, 2nd Ward Councilor, stated that she conducted a public hearing regarding the zone change and the neighboring residents were supportive of Mr. Stanistreet's development of the building and she requested that the Board approve this application.

Chairman Feyl reiterated that the Board would be ruling on a requested variance from 600 square feet per unit to 540 square feet per unit, informed Mr. Stanistreet that the Board will notify him of their decision within 62 days, and closed the public hearing.

COMMENTS OF THE PUBLIC:

There were no public comments offered.

NEW BUSINESS:

Applications:

- | | |
|---|--|
| 1. Point Five Development (Walgreens)
5200-5206 West Genesee Street
Camillus, NY 13031 | TM#: 40.-11-12.0
TM#: 40.-11-13.1 |
|---|--|

Area Variances: Reduce the buffer to 15', increase square footage & height of signage, and allow additional signage

Mr. Burke moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on February 1, 2005 and to declare this a SEQR Type II action. The motion was seconded by Mr. Borsky and unanimously approved.

Minutes of the Previous Meeting:

The following additions/deletions are required to the minutes of the December 7, 2004 meeting minutes:

- Mr. Borsky noted the following corrections to be made:
 - Page 6: Dave Clebert should be changed to Dave Abert and it should be made clear that his residence is behind the parking lot. Also, Tom Gulvert should be changed to Tom Gulgert and his wife's name should be changed from Gloria to Lori.
 - Page 7: The sentence in which Mr. Burke states the issue before the ZBA should be clarified. Mr. Burke restated that the issue before the ZBA is: using the town's existing legislation, does the Board allow the expansion of the parking lot?
- Mr. Burke noted the following corrections to be made:
 - Page 1: Item 2 should read, "the case was referred by the ZBA to the Planning Board because we found that their site plan had not been approved."
 - Page 3: 2nd paragraph, four lines from the bottom, the square footage of 7,500 noted should be in parenthesis.
 - Page 5: last paragraph, middle area, should read, "the ZBA's responsibility is to see that all setbacks are met".
 - Page 11: O'Hara application, 3rd paragraph should read, "Mr. Feyl made a motion, seconded by Mr. Belle, declare this a SEQR Type II Action."

Ms. Flood moved to accept the minutes as amended. The motion was seconded by Mr. Kilburg, and unanimously approved.

Vouchers:

A voucher was received from Melvin & Melvin Law Firm for legal services totaling \$875.00.

Two vouchers were received from the Eagle Newspapers for legal advertisements in the Camillus Advocate totaling \$26.07 and \$21.33 respectively.

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

Correspondence:

Chairman Feyl noted receipt of the Onondaga County Planning Federation Annual Municipal Training Program information. Mr. de la Rosa, Mr. Kilburg, Mr. Burke, Mr. Borsky, Ms. Flood, and Mr. Belle all stated they plan to attend.

Comments of the Board:

Mr. Burke suggested the Board elect a Zoning Board of Appeals Vice Chairman, as has been traditionally done, and allow the Town Board to react to that if needed. As such, Mr. Burke moved to nominate Ms. Flood as Vice Chairperson for the year 2005. Mr. Kilburg seconded the motion and it was unanimously approved.

DECISIONS:

1. **Brian O’Hara** **TM#: 027.-03-04.0**
5491 Munro Road
Camillus, NY 13031

Area Variance: Construct garage forward of the rear building line

After brief review and discussion, Chairman Feyl moved to grant an area variance to allow construction of the garage no more than 30 feet forward of the rear building line. Mr. Burke seconded the motion and it was approved unanimously.

2. **Daniel Stanistreet** **TM#: 018.-01-16.0**
Dublin Development Corp.
3478 Warners Road
Camillus, NY 13031

Area Variance: Reduce minimum apartment square footage

Mr. de la Rosa moved to grant a 60 square foot variance for the four apartments on the first floor only, reducing the required square footage of each unit from 600 square feet to 540 square feet. The motion was seconded by Mr. Belle and unanimously approved.

ADJOURNMENT:

The next meeting will be held on Tuesday, February 1, 2005 at 7:30 pm.

Mr. Kilburg made a motion to adjourn the meeting at 9:15 pm. Mr. de la Rosa seconded the motion and it was unanimously approved.

Revised 2/7/05 and respectfully submitted,

Martha Dickson-McMahon, Interim Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
February 1, 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Ron Belle
Don Borsky
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

Tom Dugan, 6th Ward Councilperson
John Fatcheric, Planning Board Vice-Chairman

Approximately 10 others

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the advertisements for tonight's Public Hearings, Mr. Borsky seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **BTHO, Inc.** **TM#: 065.-04-13.1**
112 Kasson Road
Camillus, NY 13031
(Continued from 1/4/05)

Area Variance: Reduce number of parking spaces

Chairman Feyl noted receipt of both a phone call and a faxed letter from Mr. Mike Villa of Ancor, Inc., who represents BTHO, Inc. in this matter. Mr. Villa has requested that, due to action related to covenants, easements, and County D.O.T. issues that are currently pending with the Town Planning Board, this hearing be continued.

Mr. Kilburg moved to continue this public hearing at the next Zoning Board of Appeals meeting to be held on March 1, 2005. The motion was seconded by Mr. Belle and unanimously approved.

There was no public comment.

2. **Fairmount Free Methodist Church** TM#: 050.-02-03 (church)
804 Onondaga Road TM#: 050.-02-02 (vacant lot)
Syracuse, NY 13219
(Continued from 1/4/05)

Special Use Permit: Expand parking lot

Chairman Feyl noted that the Town Planning Board is still awaiting receipt of a variety of information requested of this applicant on 11/22/04. Until the matter is completed with the Planning Board, the Zoning Board of Appeals is unable to act.

Mr. Kilburg moved to continue this public hearing at the next Zoning Board of Appeals meeting to be held on March 1, 2005. The motion was seconded by Mr. de la Rosa and unanimously approved.

There was no public comment.

3. **William Duke** TM#: 015-01-11.0
5987 Belle Isle Road TM#: 015-01-07.1
Syracuse, NY 13209
(Continued from 1/4/05)

Special Use Permit: Operation of a plumbing business

Chairman Feyl noted that the Town Planning Board is still awaiting receipt of the more detailed site plans requested of this applicant on 1/10/05. Until the matter is completed with the Planning Board, the Zoning Board of Appeals is unable to act.

Mr. Kilburg moved to continue this public hearing at the next Zoning Board of Appeals meeting to be held on March 1, 2005. The motion was seconded by Mr. Borsky and unanimously approved.

There was no public comment.

4. **Point Five Development (Walgreens)** TM#: 40.-11-12.0
5200-5206 West Genesee Street TM#: 40.-11-13.1
Camillus, NY 13031

Area Variances: Reduce the buffer to 15', increase square footage & height of signage, and allow additional signage

A representative of Dunn and Sgromo Engineers appeared before the board on behalf of the applicant and stated that they were requesting two variances. The first being for a buffer reduction and the other related to signage.

With regard to the buffer, the current facility is paved up to approximately 13 feet of the property line. The applicant proposes to keep the existing buffer depth intact with a few exceptions (one area will be encroached on by approximately 2 feet and some other areas will be expanded by about 1 foot). An 8-foot high stockade privacy fence will be

installed and the grading will be maintained so as not to disturb the existing vegetation. To enhance the current vegetation, the scrub will be removed and a row of arborvitae will be planted as supplements. The arborvitae will be 6 foot tall at the time of planting and will grow quickly and densely to a maximum height of approximately 20 to 25 feet.

Chairman Feyl inquired why the variance is required. The applicant's representative explained that the narrow depth of the site is the impetus for requesting this variance. The 97-foot deep building being proposed was selected for the site because it was the narrowest of all Walgreen's prototypes. This building footprint, along with the required 65-foot setback from West Genesee Street, necessitates a variance for the northern property line buffer in order to allow sufficient space for trucks to turn around.

The drawings provided lack dimensional information in a number of areas critical to the Board's decision-making process. After much discussion regarding the buffering issue, Chairman Feyl requested that the applicant provide new drawings to the Board that contain all dimensional information, as it is difficult for the Board to assess the variance request before them without complete details.

Chairman Feyl questioned the handicap accessibility of the sidewalk on the corner of West Genesee Street and Hinsdale Road. The applicant's representative confirmed that there will be three areas of accessibility, but they are not clearly indicated on the current drawings before the Board. Chairman Feyl asked that these features also be included in the revised drawings to be provided.

The applicant's representative described the lighting on the property to be sparse, with light posts in the low-twenties in height, of the "shoebox" design variety, and projecting straight down with no spillage on to the adjacent properties.

The applicant is also requesting a variance to allow a 25-foot sign. Chairman Feyl inquired why this variance is needed and the applicant's representative stated that the variance is being requested to maximize site visibility. Chairman Feyl stated that the site is already one of the most highly visible sites in the Town of Camillus.

Mr. Burke reviewed the signage outlined on the drawings and confirmed that the total building signage being requested is 92.50 square feet. With regard to the pylon sign, Mr. Burke inquired about the "film pricing" area indicated on the drawings and explained that the Town of Camillus Municipal Code prohibits signs containing pricing information. Mr. Belle confirmed with the applicant's representative that the sign would retain its usefulness to the store even without the ability to post pricing information.

Chairman Feyl questioned the "window sign" and "clearance sign" indicated on the drawings and their references to "Sheet A5.2", which along with "Sheet C6.2" was not provided to the Board. The applicant's representative was unable to provide a description of the "window sign" but explained that the "clearance sign" is a maximum height sign on the canopy of the drive through area. Like the exit signs shown on the drawings, this sign is for safety purposes and does not have a code requirement. Chairman Feyl requested that both missing documents be provided to the Board.

The applicant's representative explained that "Window #19" indicated on the drawings would contain a neon pharmacy graphic with overall dimensions of approximately 30

square feet and subtle in color. Ms. Flood requested that a color photograph of such a sign be provided to the Board for review.

Mr. Burke confirmed with the applicant's representative that that all signage was internally lit and asked the applicant to note that on the revised drawings, as well as providing the dimensions of the windows containing signage so the percentage of window space used for signage can be evaluated for compliance with the Town's Municipal Code.

Ms. Flood confirmed with the applicant's representative the facing direction of each elevation shown on the applicant's drawings and also confirmed that the westerly facing elevation shows a loading dock and enclosed trash facilities.

Mr. Burke confirmed with the applicant's representative that, should the store be a 24-hour a day operation, the pharmacy would have identical hours of operation.

Chairman Feyl questioned the handling of snow removal on the site. The applicant's representative stated that snow will be removed to the western edge of the property and the parking spots on that edge will be lost to snow storage.

Mr. Burke asked for clarification regarding the necessity of the approximately 40 feet of free space between the dumpster area and the parking spaces on the western edge of the property. The applicant's representative explained that the space is required for trucks maneuvering into the loading dock, parallel to the building.

Public Comment:

Vicki Christo of 126 Thornton Circle N. stated her opposition to granting a buffer variance based on concern over quality of life issues for neighboring residents and concern about the safety issues related to trailers exiting onto West Genesee Street.

Shelly Smith of 211 Peterson Drive stated her concern about granting the variances requested by the applicant as she views them as being contrary to the Town's Comprehensive Plan.

Claire Costello of 211 Ivanhoe Avenue stated her opposition to granting a buffer variance and expressed concern about the affect that the proposed Hinsdale Road ingress/egress point will have on Hinsdale Road's northbound traffic. She also inquired who would be responsible for sidewalk snow removal on the property.

Tom Dugan, 6th Ward Councilor, stated his support of the project and that he feels it is a good use of the property, especially in light of Yards & Gardens' departure.

Ms. Flood asked Mr. Dugan whether he has sought out the opinions of residents surrounding the property, and he stated that has not been done. Chairman Feyl inquired whether Mr. Dugan anticipated doing so and Mr. Dugan said that the topic could be approached. Ms. Flood expressed her support of such an endeavor.

Don Christo of 126 Thornton Circle N. stated that he was not concerned about the buffer until it became known that the store might be open 24 hours. He believes that

the store hours should be a strong consideration in granting any variances with regard to the buffer.

Mr. Burke moved to continue this public hearing at the next Zoning Board of Appeals meeting to be held on March 1, 2005. The motion was seconded by Mr. Belle and unanimously approved.

OLD BUSINESS:

1. **Immanuel Church of the Nazarene** **TM#: 017.-04-48.1**
Warners & Hinsdale Roads
Camillus, NY 13031

Special Use Permit: Construct new church with parking, walks, and garage

Chairman Feyl stated that the requirements before the board with regard to this project are to set a public hearing, refer the matter to Onondaga County Planning, and finalize the SEQR. He then opened the floor for public comment.

John Matthewson, Chairman of the Immanuel Church of the Nazarene Building Committee, introduced himself and offered to answer any questions or make any clarifications that might be necessary regarding this project. Chairman Feyl requested six additional copies of the plans for the Board's review.

Mr. de la Rosa moved to set the public hearing for March 1, 2005 at 7:30 pm and that the application be referred to both Onondaga County Planning and the Town Planning Board. Ms. Flood seconded the motion and it was unanimously approved.

NEW BUSINESS:

Applications:

1. **Gilbert & Marlene Quinones** **TM#: 045.-01-09.0**
326 Male Avenue
Syracuse, NY 13219

Area Variance: Existing shed constructed too close to property line

Ms. Flood moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on March 1, 2005 and to declare this action a SEQR Type II action. The motion was seconded by Mr. Borsky and unanimously approved.

Minutes of Previous Meeting:

Chairman Feyl stated that Vicky Quigley has resigned her position as Zoning Board of Appeals Clerk, effective January 26, 2005. He introduced Cathy Solarte as the candidate to fill the position and noted that her appointment is pending Town Board approval.

After extensive discussion, it was determined that the minutes of the January 4, 2005 meeting of the Zoning Board of Appeals require further revision and cannot be approved at this time.

Vouchers:

A voucher was received from Melvin & Melvin Law Firm for legal services totaling \$675.00.

A voucher was received from the Eagle Newspapers for legal advertisements in the Camillus Advocate totaling \$25.20.

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

Correspondence:

A letter was received from Vicky Christo regarding the proposed BTHO, Inc. development of the property at 112 Kasson Road and the buffer variance being requested by Point Five Development for the property at 5200-5206 West Genesee Street.

A memo was received from the Town of Camillus Planning Board requesting consent of their declaration of Lead Agency with regard to the Kandon, LLC development proposed at the corner of West Genesee Street and Richlee Drive.

The resume of Cathy Solarte, designated applicant for the position of Zoning Board of Appeals clerk, was received.

Comments of the Board:

Ms. Flood commented that this year's Onondaga County Planning Federation Annual Municipal Training Program was well organized and offered subject matter pertinent to the types of applications that the Board is now seeing. Mr. Burke stated his agreement with her assessment.

Chairman Feyl shared a concern that had been addressed to him by Ms. Flood regarding the Board's attire. The Board was asked to consider implementation of a more upscale mode of dress.

ADJOURNMENT:

The next meeting will be held on Tuesday, March 1 2005 at 7:30 pm

Mr. Kilburg made a motion to adjourn the meeting at 9:25 pm., Chairman 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
March 1, 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Ron Belle
Don Borsky
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

Roger Pisarek, Planning Board Chairman
John A. Fatcheric, Planning Board Vice Chairman
Kathryn MacRae, 2nd Ward Councilor
Diane Dwire, 5th Ward Councilor

Approximately 16 others

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the advertisements for tonight's Public Hearings, Mr. Borsky seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **BTHO, Inc.** **TM#: 065.-04-13.1**
112 Kasson Road
Camillus, NY 13031
(Continued from 02/01/05)

Area Variance: Reduce number of parking spaces

Ms. Jamie Sutphen, attorney, and Mr. Mike Villa of Ancor, Inc., representatives for BTHO, Inc., appeared before the Board on behalf of the applicant to request a further continuation of the public hearing and to give the Board an update on the action.

1.) With respect to the entrances to the site, Ms. Sutphen stated that after significant discussion with the County DOT it has now been agreed with the County that the southerly entrance to the site be closed off with the northerly entrance to remain.

2.) The proposed plan shows a portion of the property to be used by a credit union, a small portion for retail and a portion for the pizzeria, a 3,500 square foot non-alcoholic restaurant use. Right now, the County is looking for some guidance from the Planning Board as to exactly what the variance on the parking spaces is going to be. Ms. Sutphen stated that they will be seeking either a parking variance of 2 spaces or 10 spaces depending whether the parking shown in the back of the property is determined to be part of the buffer.

Mr. Burke confirmed with Mr. Villa that 2,500 square feet would be used for the credit union. He questioned the use for the 4,000 square feet of available space and Mr. Villa stated they have no commitments as yet.

Ms. Flood questioned the location of the proposed credit union. Mr. Villa stated it would be on the north side with one drive through window. Chairman Feyl asked if there would be a canopy and Mr. Villa confirmed that no canopy is planned for the drive through window. Mr. Villa stated that the driving lane for the credit union would not affect the easement. Mr. Borsky inquired if there would be a 24 hour ATM and Mr. Villa stated that it is undecided at this time. He spoke to the Planning Board on this issue and if it came to be a concern, they would locate a walk-up ATM in the front of the building.

Mr. Borsky expressed concerns regarding snow removal. Mr. Villa believes there to be ample snow storage space in the front, at the corners and on the south side of the property. Ms. Sutphen further added that they have outlined in the plan for the snow to be hauled off the property as necessary.

Chairman Feyl stated that the Board cannot vote at this time, but offered to receive public comments.

Public Comment

Shelly Smith of 211 Peterson Drive spoke against granting the approval of the proposed variances.

Vicky Christo of 126 Thornton Circle N. spoke against the proposed variances, expressing concern for the quality of life for her and her tenants in the adjacent apartment complex. Issues of concern include an already congested area, noise bouncing off the nearby Post Office walls and apartment windows that face the site. Mrs. Christo provided the Board members with photos of the apartment windows and cars on the premises.

Don Christo 126 Thornton Circle N. stated that his right-of-way is 20' from the property line. Mr. Christo is concerned that the proposed drive through window on the north side would face cars in the wrong direction, against the flow of traffic that exists with his apartment building. He believes that would leave credit union customers with nowhere to go and that they will use his property to turn around.

Ms. Sutphen stated she would address these issues at the next public hearing.

2. **Fairmount Free Methodist Church** **TM#: 050.-02-03 (church)**
804 Onondaga Road **TM#: 050.-02-02 (vacant lot)**
Syracuse, NY 13219
(Continued from 2/01/05)

Special Use Permit: Expand parking lot

No representative for the applicant was present. Chairman Feyl stated that the applicant has not responded to the Planning Board or produced any revised plans.

Ms. Flood made a motion to notify the trustees and the representative of the Fairmount Free Methodist Church that they need to present their material to the Planning Board on or before the Planning Board's meeting of March 21st or this Board will take action at the April 5, 2005 meeting declaring the application currently pending before this Board to be abandoned due to their failure to proceed. The motion was seconded by Mr. Kilburg and, because it was not unanimously approved, the Board was polled:

Aye: Mr. de la Rosa, Mr. Kilburg, Chairman Feyl, Mr. Burke, Vice Chairman Flood and Mr. Belle

Abstained: Mr. Borsky

There was no public comment.

3. **William Duke** **TM#: 015-01-11.0**
5987 Belle Isle Road **TM#: 015-01-07.1**
Syracuse, NY 13209
(Continued from 2/01/05)

Special Use Permit: Operation of a plumbing business

Mr. Rocco Mangano, attorney representing William Duke, appeared before the Board to state two new developments.

1.) After suggestions from the Zoning Board of Appeals and the Planning Board, he had the surveyor add more details to the site plan. These details include a gravel parking lot for equipment, a gravel area in the southern portion and vegetation along the middle portion of the property, the Niagara Mohawk area. Trees along Belle Isle Road and the one family home show the natural screening along the property.

2.) The Planning Board recommended the planting of Austrian Pines in the area near the small storage building, on the southern part of the property.

Chairman Feyl read a letter he received from the Planning Board:

“Pleased be advised that at the Planning Board meeting of Feb. 14th, the following resolution was made duly seconded unanimously approved. The Town Planning Board, pursuant to section 403(A5) of the Camillus Code, has reviewed and considered the referral of the Zoning Board of Appeals for a “Special Use Permit” relative to the above referred parcel. Therefore, be it resolved, that the Planning Board has determined that the use is appropriate for the district in which it is located and there will be no adverse impact to the surrounding neighborhood by use of designation in meeting with this application. The Planning Board recommends approval of the application with one condition, a visual screening compromised of Austrian Pines approximately 2 – 3” in diameter at the base, placed 10' apart, commencing 10' from the southeast corner of the shed as shown on the plan and running in the southerly direction parallel to the westerly parking entrance.”

Mr. Burke questioned the use of gravel versus hard surface paving.

Public Comment

Mr. Fatcheric, Planning Board Vice Chairman, stated that paving the driveway and parking areas was discussed at the Planning Board meeting. A suggestion was made to the applicant to request a variance from the Zoning Board of Appeals to keep it gravel, due to the nature of the area and to improve drainage.

Kathy MacRae, 2nd Ward Councilor, spoke in favor of the plan, stating that Mr. Duke's neighbors are supportive. She expressed concern with the driveway on the right.

Roger Pisarek, Planning Board Chairman, stated his support of a more appropriate surface being used to help with drainage.

With no further questions or comments, Chairman Feyl closed this public hearing. The applicant will be notified within 62 days of the Boards decision.

4. **Point Five Development (Walgreens)** **TM#: 40.-11-12.0**
5200-5206 West Genesee Street **TM#: 40.-11-13.1**
Camillus, NY 13031
(Continued from 2/01/05)

Area Variances: Reduce the buffer to 15', increase square footage & height of signage, and allow additional signage

Chairman Feyl acknowledged receipt of more definitive drawings from Walgreens' representatives along with a photograph of the front of the proposed building, as requested at the last Board meeting. However, without the footprint of the building being approved by the Planning Board the Zoning Board of Appeals was unable to make any determination.

Members of the Board posed preliminary questions and commentary on the proposed project. A representative for the applicant responded, informing the Board that the typical 24-hour store sees 1 to 2 total transactions between the hours of 1 am and 5 am, transactions may peak at 25 per hour from 9 am to 10 pm, dropping significantly afterwards. The drive through would be restricted to filling prescriptions, which typically tends to be done during the middle of the day.

Chairman Feyl questioned a standing pole on the drawing, which is in the buffer in direct proximity to a two-story house. The applicant's representative stated it would be removed.

Public Comment

Shelly Smith of 211 Peterson Drive stated her opposition to reducing the buffer. On the Sunday prior to the meeting, she visited area neighbors asking if they were in favor of any zoning changes to the property and circulated a petition with 12 signatures of those opposed.

Vicky Christo of 126 Thornton Circle N. is opposed to reducing the buffer based on concern that it would affect the quality of life for our neighborhoods.

Floyd Chiovitti of Henry Beach Road, whose property is directly adjacent to the proposed plan, stated that he has no problem with Walgreens, as long as there are no zoning variances granted that interfere with his privacy.

A representative for the applicant stated they are no longer requesting most of the signage variances that they previously discussed and so they are not contained in the drawings presented.

Mr. Burke moved to continue this public hearing at the next Zoning Board of Appeals meeting to be held on April 5, 2005. The motion was seconded by Mr. Kilburg and unanimously approved.

5. **Gilbert & Marlene Quinones** **TM#: 045.-01-09.0**
326 Male Avenue
Syracuse, NY 13219

Area Variance: Existing shed constructed too close to property line

Mr. Quinones is requesting an area variance for allowance of a recently built 8' x 8' shed that he constructed 2.5' from his backyard property line instead of the required 5'. Mr. Quinones, had obtained the required permit, but stated that as a first time homeowner he knew nothing about codes and just copied his neighbor's shed positioning. He added that he has a small yard containing a swimming pool and miscellaneous items.

Chairman Feyl explained that the 5' is out of respect for the neighbors. Mr. Quinones stated that his neighbor on the south side, 324 Male Avenue, has no problems with the location of the shed. Tom Price, Code Enforcement Officer, checked the shed once it was completed and determined that it was too close to the property line.

Mr. Burke verified with the applicant that there are no topographical problems with his backyard.

Ms. Flood spoke on behalf of Bill Davern, 3rd Ward Councilman, who was unable to attend the meeting. Mr. Davern stated to Ms. Flood that he is in favor with granting this variance.

There was no public comment

Vice Chairman Flood made a motion to close this public hearing. The motion was seconded by Mr. Borsky and unanimously approved. Chairman Feyl stated that the Applicant would be notified within 62 days of the Boards decision.

6. **Immanuel Church of the Nazarene** **TM#: 017.-04-48.1**
Warners & Hinsdale Roads
Camillus, NY 13031

Special Use Permit: Construct new church with parking, walks and garage

Chairman Feyl stated that the Zoning Board of Appeals is unable to make a decision without written approval from SOCPA. The matter was heard by SOCPA the same day as this meeting, and notification of the recommendation made today could take from two to thirty days to be received.

Mr. Burke expressed concern in relation to parking. A representative for the applicant stated they currently show 153 spaces plus 8 additional for handicapped parking, with an additional 123 to be added during future build-out, for a total of 276 plus 8 handicapped.

Mr. Carr suggested the Zoning Board of Appeals reference the existence of parking within the body of the permit with reference to the map and conditioned upon the site plan as approved and recommended by the Planning Board.

Public Comment

Kathy MacRae, 2nd Ward Councilor, stated that an informational meeting for the neighborhood was held and positive feedback was received. Ms. MacRae is in favor of including the parking information within the permit.

Mr. de la Rosa made a motion to continue this public hearing at the next Zoning Board of Appeals meeting to be held on April 5, 2005. The motion was seconded by Mr. Kilburg and unanimously approved.

OLD BUSINESS:

None

NEW BUSINESS:

Applications:

1. **Kandon, LLC
2 Richlee Drive
Camillus, NY 13031**

TM#: 035.-05-29

Special Use Permit: Construct bank in an LBO Zoned District

Mr. Burke moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on April 5, 2005, to declare this action SEQR Type II, and refer the matter to the Planning Board for a recommendation. The motion was seconded by Mr. de la Rosa and unanimously approved.

Minutes of Previous Meeting:

Mr. de la Rosa moved to approve the minutes of February 1, 2005 and the revised minutes of January 4, 2005 as submitted. The motion was seconded by Mr. Belle and unanimously approved.

Vouchers:

A voucher was received from Melvin & Melvin Law Firm for legal services totaling \$675.00.

A voucher was received from Eagle Newspapers for legal advertisements totaling \$29.23.

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

Correspondence:

A memo was received from Tom Dugan, 6th Ward Councilor regarding resident opinions of the acceptability of the proposed Walgreen’s Store.

Comments of the Board:

Mr. Burke addressed the changes regarding the ZBA Agenda procedure and layout. The Board discussed the issue at length and agreed upon an acceptable format.

Chairman Feyl shared with the Board the written documentation regarding the Zoning Board of Appeals Clerk’s process and responsibilities.

DECISIONS:

- 1. **William Duke** **TM#: 015-01-11.0**
5987 Belle Isle Road **TM#: 015-01-07.1**
Syracuse, NY 13209

Special Use Permit: Operation of a plumbing business

Mr. de la Rosa moved to approve the “Special Use Permit” with the drawings as submitted and the recommendations of the Planning Board. A variance is granted allowing the use of gravel, due to improved drainage, with the condition that if dust becomes a problem, Mr. Duke will do something to mitigate the dust. The first 50 feet of right-of-way needs to have a hard surface paving in accordance with Code Enforcement. The motion was seconded by Mr. Borsky and unanimously approved.

- 2. **Gilbert & Marlene Quinones** **TM#: 045.-01-09.0**
326 Male Avenue
Syracuse, NY 13219

Area Variance: Existing shed constructed too close to property line

Ms. Flood made a motion to grant the variance of 2.5 feet from the side property line to accommodate the existing storage shed. The motion was seconded by Mr. Belle and, because it was not unanimously approved, the Board was polled:

Ayes (6): Chairman Feyl, Ms. Flood, Mr. Belle, Mr. Borsky, Mr. de la Rosa, Mr. Kilburg

No (1): Mr. Burke

Motion carried.

ADJOURNMENT:

The next meeting will be held on Tuesday, April 5, 2005 at 7:30 pm.

Mr. de la Rosa made a motion to adjourn the meeting at 10:15 pm. Mr. Kilburg seconded the motion and it was unanimously approved.

Respectfully submitted,

Cathy M. Solarte, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
April 5, 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Ron Belle
Don Borsky
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

John A. Fatcheric, Planning Board Chairman
Kathryn MacRae, 2nd Ward Councilor

Approximately 16 others

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the advertisements for tonight's Public Hearings, Mr. Borsky seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **BTHO, Inc.** **TM#: 065.-04-13.1**
112 Kasson Road
Camillus, NY 13031
(Continued from 03/01/05)

Area Variance: Reduce number of parking spaces

No representative for the applicant was present. Chairman Feyl referred to the Planning Board minutes of March 14 in which Mr. Curtin reported to the Planning Board that the applicant contacted him on Friday, March 11, 2005 and had formally withdrawn their application for a variance that had been pending before the ZBA.

Ms. Flood moved to continue this public hearing at the next meeting to be held on May 3, 2005 and have Mr. Carr draft a letter to the applicant stating that the ZBA needs to receive a formal written withdrawal of their application for a variance. The motion was seconded by Mr. Kilburg and unanimously approved.

There was no public comment.

2. **Fairmount Free Methodist Church** **TM#: 050.-02-03 (church)**
804 Onondaga Road **TM#: 050.-02-02 (vacant lot)**
Syracuse, NY 13219
(Continued from 3/01/05)

Special Use Permit: Expand parking lot

No representative for the applicant was present. The applicant did not respond to the Zoning Board of Appeals request for material to be presented at the Planning Board's meeting of March 21.

Ms. Flood moved to dismiss this application without prejudice due to inactivity. The motion was seconded by Mr. Kilburg and, because it was not unanimously approved, the Board was polled:

Aye: Chairman Feyl, Ms. Flood, Mr. de la Rosa, Mr. Burke, Mr. Kilburg, Mr. Belle

Abstained: Mr. Borsky

There was no public comment.

3. **Point Five Development (Walgreens)** **TM#: 40.-11-12.0**
5200-5206 West Genesee Street **TM#: 40.-11-13.1**
Camillus, NY 13031
(Continued from 3/01/05)

Area Variances: Reduce the buffer to 15', increase square footage & height of signage, and allow additional signage

Chairman Feyl read the Planning Board's Resolution of March 14, 2005 which stated; "Be it resolved that the site plan referenced hereinabove is unanimously approved, subject only to the Zoning Board of Appeals considering and approving an area variance, which is required in order to reduce the amount of buffering along the northerly property line of the site from twenty-five feet to fifteen feet in order to accommodate two vehicle driving lanes around the rear of the site."

Chairman Feyl noted a letter Mary Ann Coogan, Town Supervisor, received from Oran Walter Kolhepp of 109 Hinsdale Rd. stating his opposition of any variance to the buffer based on concern over his quality of life due to increased traffic outside his master bedroom window. He further stated Walgreens would have a negative affect on his property value.

A letter was received from the County of Onondaga DOT stating, "It has been determined that additional traffic from this proposal will be insignificant with specific driveway delineation. This delineation consists of a full type access on Hinsdale Rd. to include a curbed island between the ingress and egress lanes. The Old Route 5 (West Genesee Street) driveway will incorporate a curbed island to allow right turns in and out along with left turns in. It will not allow left turns for exiting vehicles."

Mr. Robert D. Ventre, attorney, appeared before the Board on behalf of the applicant to request a variance for a buffer reduction of fifteen feet, a variance for an additional sixteen feet of "Pylon Signage" and a variance of 20.5 feet for "Total Signage."

With regard to the buffer, the requested variance from twenty-five feet to fifteen feet is needed in order to accommodate two vehicle driving lanes around the rear of the site for the 24-hour pharmacy drive through that will consist of two windows. An 8-foot high privacy fence and landscaping will be installed. Mr. Ventre stated deliveries would be

1. "The applicant must provide an engineering study to verify to the New York State Department of Transportation that the proposed development would not create additional storm water runoff into the state's drainage system. If additional runoff is created, the applicant shall be required to submit a mitigation plan to the New York State Department of Transportation for approval and implement any mitigation required.
2. The lighting plan must ensure that no glare or spillover is allowed onto adjacent properties and the state and county rights-of-way, and the plan must be approved by the Town Engineer.
3. A visual buffer must be provided to separate this site from adjacent residential properties and the state and county rights-of-way."

The Board offered the following comment:

The site is adjacent to several residential properties, and the Board encourages the Town require the applicant to maximize the buffer between the proposed project and the residential lots to minimize the potential impact of the proposed project, including traffic, parking, noise, and lighting, on the residential neighborhood.

With regard to the above, the applicant's representative stated that the lighting plan has been approved by the Planning Board and Engineer and the existing vegetation between the proposed site and the state and county rights-of-way will be left undisturbed to act as a buffer. Chairman Feyl confirmed that all the above issues have been either addressed or approved.

A Fax-Back from the Onondaga County Planning Board regarding the Report of Final Action was received and is to be returned within thirty days.

Public Comment

Kathy MacRae, 2nd Ward Councilor, spoke in favor of the applicant and stated that the neighbors were supportive of the plan.

With no further questions or comments, Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

- 5. Kandon, LLC (Alliance Bank) TM#: 035.-05-29**
2 Richlee Drive
Camillus, NY 13031

Special Use Permit: Construct bank in an LBO Zoned District

Chairman Feyl read the following from the Planning Board:

"PLEASE BE ADVISED THAT AT THE PLANNING BOARD MEETING OF MARCH 14, 2005, THE FOLLOWING RESOLUTION WAS MADE, DULY SECONDED AND UNANIMOUSLY APPROVED:

WHEREAS, the Camillus Planning Board, pursuant to Section 1303 (E) of the Camillus Code, has reviewed and considered the referral of the Zoning Board of Appeals for a special use permit, relative to the above referenced parcel.

NOW THEREFORE BE IT RESOLVED that the Camillus Planning Board has determined to approve the site plan for Alliance Bank located at 2 Richlee Drive, dated January 20, 2005, last revised February 23, 2005, as shown on drawings prepared by J.S. Hagan Architect P.C. conditioned upon the following:

1. The Planning Board Engineer receiving a letter from the County DOT stating that the traffic study has been approved by the County DOT and no mitigation is required
2. The Planning Board Engineer receiving and reviewing the revised lighting plan.
3. Receipt of a revised site plan which incorporates the raised bed of 1.5 foot on the buffer area and the compliance of the streetscape plan for the Town of Camillus.
4. The ability of the Planning Board to review this application at the first meeting of September 2006

and to recommend that the Zoning Board of Appeals issue a negative declaration under SEQR, using the short form environmental statements prepared by the applicant.

Mr. Burke referred to the ZBA Minutes of March 1, 2005 in which this action was declared a SEQR Type II.

Mr. James Hagen, architect, and Mr. Patrick Donegan, representatives for the applicant, appeared before the Board to request a "Special Use Permit" to construct a bank in an LBO Zoned District.

Mr. Donegan stated that they have worked with the Planning Board and it has been agreed to divide the property into a C-1 and an LBO Zoned District. Mr. Burke asked if the Zoning Map reflects that information and Mr. Donegan confirmed it does, as amended and added the fourth lot is a separate parcel that will remain zoned R-3. Mr. Donegan referred to the drawing to show where the LBO Zoning line runs down the left edge of the driveway.

Mr. Hagen stated the site plan proposes to incorporate a 6-foot tall, 24 square foot freestanding sign at the front of the property adjacent to the entrance drive. The site plan includes a 25-foot buffer along the northern property line. Within the buffer, a 4.5-foot high earthen berm will be developed in addition to very dense plantings of evergreen type trees along the top making a double row of staggered trees consisting of Austrian Pines. Incorporated into the plan is a storm water management plan consisting of a shallow basin that will be a lawn and landscaped area along the west side of the property between the drive through lanes and Richlee Drive. There is no access from Richlee Drive to the site; the only access will be on West Genesee Street aligning with the existing street signal at Kasson Rd.

With regard to the streetscape, Mr. Hagen stated they have fully complied with all requirements.

The proposed bank is 2128 square feet and will have 14 parking spaces. There will be access behind the bank with stacking of drive through lanes with one to be utilized as a 24-hour ATM lane and a drive-up lane for pneumatic tube service operable during banking hours only.

Chairman Feyl confirmed with Planning Board Chairman Fatcheric that the Planning Board Engineer was still awaiting receipt of two letters, one on the revised lighting plan and another from the County DOT on traffic study.

With regard to the requirement from the Planning Board for an additional 1.5 feet of raised bed in the buffer area, Mr. Hagen stated they would be submitting detailed plans incorporating that addition.

There was no public comment.

With no further questions or comments, Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

OLD BUSINESS:

None

NEW BUSINESS:

Applications:

1. **Rodney Ritchey** **TM#: 018.-08-01.0**
100 Trotters Ridge Run
Camillus, NY 13031

Area Variance: In-ground swimming pool encroaches on front yard setback.

Mr. de la Rosa moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on May 3, 2005 and to declare this action SEQR Type II. The motion was seconded by Mr. Kilburg and unanimously approved.

2. **Kandon, LLC (Alliance Bank)** **TM#: 035.-05-29**
2 Richlee Drive
Camillus, NY 13031

Area Variance: Additional signage.

Mr. Burke moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on May 3, 2005 and to declare this action SEQR Type II. The motion was seconded by Mr. Kilburg and unanimously approved.

Minutes of Previous Meeting:

On page 17, paragraph two, the second to last word "on" should have been "as", and will be corrected. Ms. Flood moved to approve the minutes, of March 1, 2005, as amended. The motion was seconded by Mr. de la Rosa and unanimously approved.

Vouchers:

A voucher was received from Eagle Newspapers for legal advertisements totaling \$19.76.

A voucher was received from Hummel's for ZBA clerk supplies totaling \$42.35.

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

Correspondence:

A memo was received from Mary Ann Coogan, Town Supervisor, regarding the Syracuse Chamber of Commerce's first annual meeting, titled F.O.C.U.S., to be held at the Convention Center on Friday, April 15, 2005.

Comments of the Board:

None

DECISIONS:

1. **Point Five Development (Walgreens)** **TM#: 40.-11-12.0**
5200-5206 West Genesee Street **TM#: 40.-11-13.1**
Camillus, NY 13031

Area Variances: Reduce the buffer to 15', increase square footage & height of signage, and allow additional signage

Mr. Burke moved to grant a sixteen-foot variance on the freestanding sign, and a 20.5-foot variance on the "Total Signage". Ms. Flood seconded the motion and it was unanimously approved.

With regard to the buffer, Mr. Burke stated his objection to granting a variance based on concern that the benefit would be to the applicant as opposed to the neighborhood and the reason the buffer was added to the code was with the intent to give protection to the existing residences.

Chairman Feyl stated he is in favor of granting the variance for it will be the first major improvement that corner has seen in years and will be aesthetically pleasing. Other Board members concurred and Ms. Flood noted that only one neighbor was present at the meetings with an opposition to the proposed variances.

Mr. Belle made a motion to grant a ten-foot variance, the motion was seconded by Mr. de la Rosa and, because it was not unanimously approved, the Board was polled:

Ayes (6): Chairman Feyl, Ms. Flood, Mr. Belle, Mr. Borsky, Mr. de la Rosa, Mr. Kilburg

No (1): Mr. Burke

Motion carried

2. **Immanuel Church of the Nazarene** **TM#: 017.-04-48.1**
Warners & Hinsdale Roads
Camillus, NY 13031
(Continued from 3/01/05)

Special Use Permit: Construct new church with parking, walks and garage

Mr. de la Rosa made a motion to declare this a negative SEQR action. The motion was seconded by Mr. Borsky and unanimously approved.

Mr. de la Rosa made a motion to grant the "Special Use Permit" with the following Onondaga County Planning Board conditions:

1. The applicant must provide an engineering study to verify to the New York State Department of Transportation that the proposed development would not create additional storm water runoff into the state's drainage system. If additional runoff is created, the applicant shall be required to submit a mitigation plan to the New York State Department of Transportation for approval and implement any mitigation required.
2. The lighting plan must ensure that no glare or spillover is allowed onto adjacent properties and the state and county rights-of-way, and the plan must be approved by the Town Engineer.
3. A visual buffer must be provided to separate this site from adjacent residential properties and the state and county rights-of-way.

and conditioned upon the development of the property pursuant to tax map number 017.-04-48.1, as portrayed on the map dated September 14, 2004, revised October 11, 2004. If future development affects a change in the "Special Use Permit" the applicant will have to apply for a revision. The motion was seconded by Chairman Feyl and unanimously approved.

**3. Kandon, LLC (Alliance Bank)
2 Richlee Drive
Camillus, NY 13031**

TM#: 035.-05-29

Special Use Permit: Construct bank in an LBO Zoned District

Mr. Burke made a motion to allow the "Special Use Permit" for Alliance Bank, under the new code, per drawings as submitted dated February 23, 2005, with the provision to allow for the revision of the drive through window at the current location on the drawing if applied for and required, subject to Planning Board site plan approval. Motion was seconded by Mr. Kilburg and unanimously approved.

ADJOURNMENT:

The next meeting will be held on Tuesday, May 3, 2005 at 7:30 pm.

Mr. de la Rosa made a motion to adjourn the meeting at 10:25 pm. Mr. Borsky seconded the motion and it was unanimously approved.

Respectfully submitted,

Cathy M. Solarte, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
May 3, 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Ron Belle
George Burke
Rich de la Rosa
Joe Kilburg

Don Borsky - Absent
Ronald Carr, Esq. – Absent

STAFF PRESENT:

Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC

No guests or Town Officials present.

Approximately six others

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the advertisements for tonight's Public Hearings, Mr. Kilburg seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **BTHO, Inc.** **TM#: 065.-04-13.1**
112 Kasson Road
Camillus, NY 13031
(Continued from 4/05/05)

Area Variance: Reduce number of parking spaces

No representative for the applicant was present. Mr. Carr received a letter dated April 12, 2005 from Baldwin & Sutphen, LLP, attorneys for the applicant, which stated; "Per our conversation of last week, this will confirm that my client, BTHO, Inc. (Cams Pizza Project), has withdrawn its application from the ZBA relative to the above captioned project. There is currently a revised plan being presented to the Planning Board, which we anticipate will not require any variances."

Ms. Flood moved to accept the withdrawal from BTHO, Inc. without prejudice. The motion was seconded by Mr. Burke and unanimously approved.

There was no public comment.

2. **Rodney Ritchey** **TM#: 018.-08-01.0**
100 Trotters Ridge Run
Camillus, NY 13031

Area Variance: In-ground swimming pool encroaches on front yard setback.

Mr. Ritchey stated that upon selling his property a new survey showed the in-ground swimming pool was 8 inches too close to the Town's dirt access road, which leads to a

pumping station. A two-foot variance is being requested to ensure there are no future problems.

After a brief discussion, Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

There was no public comment.

**3. Kandon, LLC (Charles Signs)
2 Richlee Drive
Camillus, NY 13031**

TM#: 035.-05-29

Area Variance: Additional signage

Jennifer Barrett of Charles Signs appeared before the Board to request an Area Variance on signage for Alliance Bank.

Ms. Barrett distributed new drawings to Board members for the "Pylon Sign" with measurements of 180 7/8 inches in height by 100 1/2 inches wide. The proposed 42 1/2 square foot "Pylon Sign" is double faced and internally illuminated. Ms. Barrett stated this size sign would appropriately identify the entrance of the bank.

Mr. Burke noted the Town Code dimensions for a "Pylon Sign" are not to exceed 24 square feet with the height no larger than 6 feet. He added there are no large buildings, hills or curves that would obstruct the view of the bank. Chairman Feyl also added that Alliance Bank would be visible to all traffic coming down Kasson Road and to traffic stopped at the traffic light.

Additional proposed signage includes a 13 Sq. Ft. single face internally illuminated wall mount, "24 Hour ATM Drive Thru" sign, an "Alliance Bank" sign on the buildings front gable consisting of aluminum plate letters, and three single face/double face non-illuminated directional signs.

The directional signs measure 54 inches in height, have a 24 inch wide message area, 3/4 inch buffer on both sides with 2 1/2 inch wide posts, totaling 30 1/2 inches in overall width. Chairman Feyl stated the standard directional sign is 3 square feet and Ms. Barrett is proposing 5.1 square foot signs. Board members offered comments and suggestions that included reducing the amount of the white space in the sign and removing the words Alliance Bank.

Mr. Burke noted that Alliance Bank is building in an LBO District, a soft business area with a commercial use, and is asking for signage that is 50 to 100 percent more than the local banks in Commercial Zoned Districts have.

Ms. Barrett stated she would like to have this public hearing continued so that she could address the issues discussed at this meeting with Alliance Bank.

Mr. de la Rosa moved to continue this public hearing at the next meeting to be held on June 7, 2005. The motion was seconded by Mr. Kilburg and unanimously approved.

There was no public comment.

OLD BUSINESS:

None

NEW BUSINESS:

Applications:

1. **James Kelly** **TM#: 044.-05-11.0**
100 Suffolk Road
Syracuse, NY 13219

Area Variance: Allowance of a garage 5' into the front yard setback.

Ms. Flood moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on June 7, 2005 and to declare this action SEQR Type II. The motion was seconded by Mr. Burke and unanimously approved.

2. **Charles and Carrie Grooms** **TM#: 064.-02-16.0**
304 Blackmore Road
Camillus, NY 13031

Area Variance: Allowance of a second floor addition that will over-hang the front yard setback by 7" +/-.

Mr. Belle moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on June 7, 2005 and to declare this action SEQR Type II. The motion was seconded by Mr. Kilburg and unanimously approved.

3. **Shawn St. Pierre** **TM#: 055.-06-21.0**
511 Beverly Drive
Syracuse, NY 13219

Area Variance: Reduce the front yard to accommodate an accessory structure.

Mr. Burke moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on June 7, 2005 and to declare this action SEQR Type II. The motion was seconded by Chairman Feyl and unanimously approved.

Minutes of Previous Meeting:

On page 27, in the third paragraph under public hearing number three, a letter received from the County of Onondaga DOT referenced Old Route 5 driveway, (West Genesee Street) will be added. Mr. Burke moved to approve the minutes, of April 5, 2005, as amended. The motion was seconded by Ms. Flood and unanimously approved.

Vouchers:

A voucher was received from Eagle Newspapers for legal advertisements totaling \$27.26.

A voucher was received from Melvin & Melvin for legal services totaling \$2,450.00.

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

Correspondence:

A list of permits issued during the months of March and April 2005 was received from Code Enforcement Officer Tom Price.

Comments of the Board:

None

DECISIONS:

1. **Rodney Ritchey** **TM#: 018.-08-01.0**
100 Trotters Ridge Run
Camillus, NY 13031

Area Variances: In-ground swimming pool encroaches on front yard setback.

Mr. de la Rosa moved to grant a variance not to exceed four feet forward of the building line. Mr. Kilburg seconded the motion and it was unanimously approved.

ADJOURNMENT:

The next meeting will be held on Tuesday, June 7, 2005 at 7:30 pm.

Mr. de la Rosa made a motion to adjourn the meeting at 8:25 pm. Mr. Kilburg seconded the motion and it was unanimously approved.

Respectfully submitted,

Cathy Solarte, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
June 7, 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Ron Belle
Don Borsky
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

No guests or Town Officials present

Approximately ten others

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance to our flag. Mr. de la Rosa made a motion to waive the reading of the advertisements for tonight's Public Hearings, Mr. Borsky seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **Kandon, LLC (Charles Signs)** **TM#: 035.-05-29**
2 Richlee Drive
Camillus, NY 13031
(Continued from May 3, 2005)

Area Variance: Additional signage

James Hickey, President of Charles Signs Inc., appeared before the Board with amended signage for Alliance Bank. At the initial presentation at the ZBA meeting on May 3, 2005, the preferred signage package of Alliance Bank was presented. As this size package was too large a request of signage, Mr. Hickey has presented a reduced signage package. A 31 square foot "Pylon Sign" that is double faced and internally illuminated, with measurements of 171 5/8 inches in height by 85 inches wide. The purpose of the size of this sign is to give something that is reasonably legible to flowing traffic. The largest letter is 10 1/4 inches tall, maximum legible reading distance is 250 feet. This would allow patrons to find the location and safely maneuver their vehicles to make the proper turns to enter and exit the facility. Mr. Feyl and Mr. Borsky commented that the Alliance Banks in various towns they have driven by had various size signs, were pleasing to the neighborhoods and further added they did not want an "Erie Blvd." look. Mr. Burke stated that the purpose of an LBO district is to soften it between residential and commercial districts.

The three amended directional signs measure 54 inches in height, have a 16 inch wide message area, 3/4 inch buffer on both sides with 2 1/2 inch wide posts, totaling 22 1/2 inches in overall width and 3.33 square feet.

Additional proposed signage includes a 13 Sq. Ft. single face internally illuminated wall mount, "24 Hour ATM Drive Thru" sign, an "Alliance Bank" sign on the buildings front gable consisting of aluminum plate letters, and three single face/double face non-illuminated directional signs.

Ms. Flood questioned the need for the 13 Sq. Ft. single face internally illuminated wall mount, "24 Hour ATM Drive Thru" sign, adding that the "Pylon Sign" also advertises the "24 Hour ATM" and the ability to eliminate the wall mount sign would reduce the signage package by another 13 Sq. Ft. Mr. Hickey stated he was authorized by Alliance Bank to act on their behalf in regards to signage and would consent to the elimination of the sign if able to have the 31 sq. ft. pylon sign. Mr. Burke stated this would reduce the signage package to a total of 46 square feet and includes the three directional signs. Total signage square footage in an LBO District is 20 sq. ft. resulting in a 26 sq. ft. variance.

Chairman Feyl stated the area variance being requested totals 26 square feet. Variances needed: 9 sq. ft. for the gable, .33 on each directional sign and a variance on height for the 9 sq. ft. pylon totaling approx. 7 sq. ft.

After a brief discussion, Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

Public Comment

Joe O'Leary of 29 Richlee Drive, Vice President of Westerlea Homeowners Cooperative, opposed the allowance of any area variances on behalf of the members.

2. **James Kelly**
100 Suffolk Road
Syracuse, NY 13219

TM#: 044.-05-11.0

Area Variance: Allowance of a garage 5' into the front yard setback.

James Kelly appeared before the Board to request an area variance of 5 feet into the front yard setback to enable him to build an 8-foot addition to his garage. Mr. Kelly owns a corner lot on Suffolk Road and Gordon Parkway. He provided the Board with photographs of the proposed addition. Mr. Kelly plans to replace the existing garage door with one 10-foot door. As an employee of the Highway Department, Mr. Kelly stated he would add a "Y" to his current driveway in accordance with the department.

Ms. Flood received a copy of a letter from William E. Davern, 3rd Ward Councilor, which stated:

"Dear Area Residents, Your neighbor, at 100 Suffolk Road, has requested an area variance to construct a garage that will protrude by five feet into the front yard setback. The Town of Camillus Board has a policy that the local area residents should be informed, so they can come to the public hearing to speak in favor or against this area variance request if you so desire. I have also attached the lot survey showing the garage location for your information."

Mr. Davern informed Ms. Flood that he distributed the letter to neighbors along a two-block vicinity of Gordon Parkway and Suffolk Road and did not receive any objections from neighbors.

After a brief discussion, Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

There was no public comment.

3. **Charles and Carrie Grooms** **TM#: 064.-02-16.0**
304 Blackmore Road
Camillus, NY 13031

Area Variance: Allowance for a second floor addition that will over-hang the front yard setback by 7”.

Mr. Grooms is proposing to build a second floor addition to his home so that his family will have ample living space. He stated that the house's over-hang is 12 inches and the addition would extend from the eaves drip upwards, leaving 7 inches in the setback. The proposed addition would not extend over the garage.

After a brief discussion, Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

There was no public comment.

4. **Shawn St. Pierre** **TM#: 055.-06-21.0**
511 Beverly Drive
Syracuse, NY 13219

Area Variance: Reduce the front yard to accommodate an accessory structure.

Shawn St. Pierre appeared before the Board to request an area variance to reduce the front yard setback to accommodate a 12 x 16 foot shed. Mr. St. Pierre's presentation consisted of a slide show with photographs and a drawing of his backyard. He owns a corner lot at the intersection of Beverly Drive and Fairwood Drive.

Mr. Burke stated that if the garage is legally nonconforming, only 19.1 feet off the setback is needed. Chairman Feyl added a variance is not needed if the shed is moved approximately two feet back in line with the garage. Due to the two double doors on the proposed shed, large trees in the landscape and taking into consideration the next door neighbor, Mr. St. Pierre states it is not possible to move the shed the two-feet.

Chairman Feyl questioned the possibility of placing the shed in the right rear corner of the property. Mr. St. Pierre stated the edge of the house to the property line is roughly 24 feet, which would place the shed approximately 8 feet past the edge of the house. Mr. de la Rosa noted that would be adequate as only five feet is required between the property line and an auxiliary structure. Mr. St. Pierre stated that his original plan was to construct the shed in that area but was under the impression that this was not

possible. Chairman Feyl stated this area met Town Code requirements and would not require a variance.

Mr. Burke quoted Section 604 of the rear yard regulations, Paragraph C, "Designating rear yard for corner lots in the case of a corner lot the owner may designate any interior lot line as a rear lot line." Mr. Burke added that quote means that Mr. St. Pierre could designate either the north or the east as a rear yard. Mr. Burke and Chairman Feyl offered to speak on behalf of Mr. St. Pierre to the Code Enforcement Officers.

Mr. St. Pierre decided to reconsider the area in which to place his shed and expressed his desire to keep this public hearing open until he reached a decision. Chairman Feyl stated that if Mr. St. Pierre received a verbal or written approval from Code Enforcement his application for an area variance could be withdrawn.

Mr. Kilburg moved to continue this public hearing at the next meeting to be held on July 5, 2005. The motion was seconded by Mr. Burke and unanimously approved.

There was no public comment.

OLD BUSINESS:

None

NEW BUSINESS:

Applications:

- 1. Richard Canestrare** **TM#: 023.-02-16.0**
2220 West Genesee Turnpike
Camillus, NY 13031

Area Variance: 24' x 30' attached garage 15' in front of house.

Chairman Feyl moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on July 5, 2005 and to declare this action SEQR Type II. The motion was seconded by Mr. Borsky and unanimously approved.

- 2. Tim & Lisa Tighe** **TM#: 021.-04-03.0**
5938 Newport Road
Camillus, NY 13031

Special Use Permit: Allowance of a home business

Chairman Feyl moved to refer this application to the Planning Board and set a public hearing for the next Zoning Board of Appeals meeting to be held on July 5, 2005, declaring this action as unlisted. The motion was seconded by Mr. Kilburg and unanimously approved.

3. **West Genesee Athletic Club**
6415 Pottery Road
Camillus, NY 13031

TM#: 007.-01-14.2

Special Use Permit: Allowance of a 14 x 14 foot press box to field #2

Mr. de la Rosa moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on July 5, 2005, to declare this action as unlisted, and to be referred to the Planning Board. The motion was seconded by Mr. Kilburg and unanimously approved.

Minutes of Previous Meeting:

Public Hearing number two, Rodney Ritchey, pages 35 and 36, information leading to the decision of the variance was omitted and will be added. Mr. Borsky moved to approve the minutes, of May 3, 2005, as amended. The motion was seconded by Mr. de la Rosa and unanimously approved.

Vouchers:

A voucher was received from Eagle Newspapers for legal advertisements totaling \$34.76.

A voucher was received from Melvin & Melvin for legal services totaling \$300.00.

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

Correspondence:

A memo was received from New York Planning Federation regarding Planning and Zoning Summer School.

A copy of a letter, dated May 11, 2005, to Fairmount Free Methodist Church was received from Code Enforcement Officer, Tom Price, it stated; "You have failed to obtain the Special Use Permit for your ancillary parking from the Zoning Board of Appeals. You are hereby ordered to return the stoned area back into lawn within thirty (30) days of receipt of this letter."

A list of permits issued during the month of May 2005 was received from Code Enforcement Officer Tom Price.

Comments of the Board:

Mr. Belle asked Mr. Carr what the recent resolution passed by the Planning Board to Chapter 30, Section 1303, on "Special Use Permits" means. Mr. Carr replied that the conditions precedent to the use of a "Special Use Vehicle" is not variable. A discussion followed regarding a number of recent changes to Chapter 30 with Board Members expressing a need for an updated hard copy.

Chairman Feyl suggested the Zoning Board of Appeals meetings be changed to 7 p.m. to correspond with the Planning Board and Town Board meetings. The Board voted; Ayes – 3, No’s – 4. Mr. Burke suggested discussing this matter when the Annual Corporate Schedule is made around the first of the year and Chairman Feyl agreed.

DECISIONS:

1. **Kandon, LLC (Charles Signs) TM#: 035.-05-29**
2 Richlee Drive
Camillus, NY 13031

Area Variance: Additional signage

Mr. Burke moved to grant a variance of .3 square feet for each directional sign, (three signs,) a variance to place a building sign in an LBO District of 9 square feet, a 9 foot height variance, 7 square foot of signage, for the “Pylon Sign”, resulting in an 8 foot clearance from grade. The Pylon sign will be set 15 feet back of the property line. The motion was seconded by Mr. Borsky and unanimously approved.

2. **James Kelly TM#: 044.-05-11.0**
100 Suffolk Road
Syracuse, NY 13219

Area Variance: Allowance of a garage 5’ into the front yard setback.

Ms. Flood moved to grant a 5-foot front yard variance for an 8-foot extension to the existing attached garage on the west side, with the condition the addition matches the house. The motion was seconded by Mr. Burke and unanimously approved.

3. **Charles and Carrie Grooms TM#: 064.-02-16.0**
304 Blackmore Road
Camillus, NY 13031

Area Variance: Allowance for a second floor addition that will over-hang the front yard setback by 7”.

Mr. Belle moved to grant a one-foot variance to the front yard setback for a second floor addition. The motion was seconded by Mr. Kilburg and unanimously approved.

ADJOURNMENT:

The next meeting will be held on Tuesday, July 5, 2005 at 7:30 pm.

Mr. Kilburg made a motion to adjourn the meeting at 9:32 pm. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Cathy M. Solarte, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
July 5, 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Ron Belle
Don Borsky
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

Kathryn MacRae, 2nd Ward Councilor
Tom Dugan, 6th Ward Councilor

Approximately three others

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the advertisements for tonight's Public Hearings, Mr. Kilburg seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **Shawn St. Pierre** **TM#: 055.-06-21.0**
511 Beverly Drive
Syracuse, NY 13219
(Continued from 6/07/05)

Area Variance: Reduce the front yard to accommodate an accessory structure.

Chairman Feyl received an email from the office of Tim O'Neill, Deputy Code Enforcement Officer, which stated: "Please remove from the ZBA Agenda, the Variance Request for Shawn St. Pierre of 511 Beverly Drive, Syracuse, NY 13219, Tax Map #055.-06-21.0. He has changed the location for his shed to an approved one."

Mr. Burke made a motion to remove this application from the agenda without prejudice. The motion was seconded by Mr. Borsky and unanimously approved.

2. **Richard Canestrare** **TM#: 023.-02-16.0**
2220 West Genesee Turnpike
Camillus, NY 13031

Area Variance: 24' x 30' attached garage 15' in front of house

Richard Canestrare appeared before the Board with a proposed site plan for a 24 x 30 foot attached garage to be erected 15' in front of his house. The garage will house his vehicles with extra space for storage of outdoor equipment. The garage will have identical siding to match the house and have a door on the east side.

Mr. Canestrare stated that if he were to build the garage even with the house it would require a more elaborate foundation in order to reinforce the garage, due to a 7-foot drop off in the terrain, resulting in a financial burden for his family. He estimated that he

would be able to save up to \$10,000.00 by building a standard step-up footer with 10-inch blocks.

His objective is to construct the garage by the kitchen door and move out 15 feet in front of the house. This would enable him to add enough fill behind the back wall without covering up his septic system that is roughly 11 feet to the vent pipe and 12 feet to the septic tank.

After a brief discussion, Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

There was no public comment.

3. **Tim & Lisa Tighe** **TM#: 021.-04-03.0**
5938 Newport Road
Camillus, NY 13031

Special Use Permit: Allowance of a home business

Chairman Feyl read the adopted resolution, dated June 25, 2005, from the Planning Board in which stated:

“WHEREAS, Timothy and Lisa Tighe have made an application to the Town of Camillus Zoning Board of Appeals for a permit that would allow a “home occupation” at their residence, located at 5938 Newport Road in the Town of Camillus, New York; and

WHEREAS, the Zoning Board of Appeals has referred the application to the Planning Board for an advisory opinion regarding the intended use of the subject property and its direct and indirect impact on the surrounding area; and

WHEREAS, at a regular meeting of the Planning Board held on June 25, 2005 at the Town Hall in Camillus, New York, the Planning Board reviewed the application, received input from Lisa Tighe, one of the applicants, and after deliberation duly resolved as follows:

- a. That the proposed use does not appear to present any apparent adverse or negative affect upon public health, safety or welfare; and
- b. That the Planning Board has not determined any site plan issues that would require modifications to the site as a result of the proposed use. “

Lisa Tighe appeared before the Board with a site plan to run a home business from the garage of her home. The current 14 x 24 foot, one-car garage, is for storage, assembly of fountains and for displaying finished products. A sliding glass door will replace the existing garage door and have normal exterior lighting. The driveway accommodates up to six cars.

There will be no manufacturing; assembly of the fountains will be on-site with items that are purchased at local retail stores or on-line. Containers used measure from 12 to 24 inches in diameter and are up to 8 inches deep. Water features contain micro mini

pumps. Deliveries will be by the United States Postal Service. Ms. Tighe is currently displaying her fountains in area retail stores and plans on advertising in local newspapers. Business will be by appointment only, Monday through Friday from 12 p.m. to 4 p.m., Saturdays from 9 a.m. to 4 p.m. and closed on Sundays. She has spoken to neighbors and has received no negative feedback.

Ms. Tighe has an 8 x 8 foot front yard garden on a slope, which she plans to level off, and add a patio with a water feature. A non-illuminated sign will say, "Pink Orchid Designs" and have one flower on each side of the title. There is an existing 5 x 10 foot garden in the backyard with a small fountain.

Chairman Feyl stated that a home occupation could have a non-illuminated sign, not exceeding two square feet in area, erected upon the front of the building. Mr. Burke added that the Board has a right to put any necessary limits to the amount of fountains Ms. Tighe may place in her yard to curtail any expansion of the business running into the yard.

Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

There was no public comment.

**4. West Genesee Athletic Club
6415 Pottery Road
Camillus, NY 13031**

TM#: 007.-01-14.2

Special Use Permit: Allowance of a 14 x 14 foot press box to field #2

Chairman Feyl read the adopted resolution, dated June 25, 2005, from the Planning Board in which stated:

"WHEREAS, the West Genesee Athletic Club has made an application to the Town of Camillus Zoning Board of Appeals for a modification to a Special Permit granted by the Zoning Board of Appeals dated November 12, 1998 and revised on June 19, 2002, which would allow for the construction of a 14' x 14' press box to be located contiguous to "Playfield No. 2" within the existing site; and

WHEREAS, the Zoning Board of Appeals has referred the application to the Planning Board for an advisory opinion regarding the intended improvement and its direct and indirect impact on the surrounding area; and

WHEREAS, at a regular meeting of the Planning Board held on June 25, 2005 at the Town Hall in Camillus, New York, the Planning Board reviewed the application, received input from Dominick Mazza, and officer of the Applicant, and after deliberation duly resolved as follows:

- a. That the proposed improvement, as described above and depicted on the applicant's "site plan", does not appear to present any apparent adverse or negative affect upon public health, safety or welfare; and

- b. That the Planning Board has not determined any site plan issues that would require further modifications to the site as a result of the proposed improvement.“

Chairman Feyl read a letter he received from, Kathryn MacRae, 2nd Ward Councilor, which read:

“Of particular interest to me is the public hearing and your consideration of the application submitted by West Genesee Athletic Club, 6415 Pottery Road, to allow a 14 x 14 foot press box to field #2. I sent notices to the homes on Pottery, Cessna and Ruby Roads and have no comments on the project. I fully support the WGAC application. The club has worked hard to be a good neighbor and it is a pleasure to work with them.”

Dominick Mazza, Vice President of West Genesee Athletic Club, appeared before the Board to request a Special Use Permit for the allowance of a 14 x 14 foot press box that is two stories high. Mr. Mazza stated the press box is for field #1; a 14 x 14 foot press box already exists on field #2 that will be duplicated. Mr. Burke stated that a revision to the Special Use Permit was never granted for the existing press box and suggested this Special Use Permit application be amended to include both press boxes.

After a brief discussion, Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board’s decision.

Public/Town Official Comment

Tom Dugan, 6th Ward Councilor, spoke in favor of the W.G.A.C. and all they do for the youth of the community.

OLD BUSINESS:

None

NEW BUSINESS:

Applications:

1. **Elks Club** **TM#: 006.-01-25.0**
6117 Newport Road
Camillus, NY 13031

Special Use Permit: Allowance of an 18’ x 24’ pavilion

Chairman Feyl moved to refer this application to the Planning Board and set a public hearing for the next Zoning Board of Appeals meeting to be held on August 2, 2005, declaring this action as SEQR unlisted. The motion was seconded by Mr. de la Rosa and unanimously approved.

2. **Pacino’s Pizzeria (Steven Dann)** **TM#: 047.-05-21.0**
3508 West Genesee Street
Camillus, NY 13031

Special Use Permit: Allowance of a pizza shop

Ms. Flood moved to refer this application to the Planning Board and set a public hearing for the next Zoning Board of Appeals meeting on August 2, 2005, declaring this action a SEQR Type II. The motion was seconded by Mr. Kilburg and unanimously approved.

3. **Lamar Outdoor Advertising** **TM#: 015.-04-07.1**
3996 Boxcar Lane
Syracuse, NY 13219

Special Use Permit: Allowance of a billboard

(See application number six below.)

4. **Lamar Outdoor Advertising** **TM#: 017.-04-48.3**
3688 Milton Avenue.
Camillus, NY 13031

Special Use Permit: Allowance of a billboard

(See application number six below.)

5. **Lamar Outdoor Advertising** **TM#: 041.-01-61.2**
4938 West Genesee Street/
Camillus, NY 13031

Special Use Permit: Allowance of a billboard

(See application number six below.)

6. **Lamar Outdoor Advertising** **TM#: Not provided**
4950 West Genesee Street
Camillus, NY 13031

Special Use Permit: Allowance of a billboard

After a discussion between Board members and Mr. Carr on applications three through six, the Board decided that further clarification is needed before the four applications from Lamar Outdoor Advertising can be acted on. These applications will be held until the next Zoning Board of Appeals meeting on August 2, 2005.

Minutes of Previous Meeting:

Page 40, third paragraph, second sentence, for Public Hearing #1, Kandon, LLC, should read; 9 foot height variance, 7 square foot of signage, for the "Pylon Sign".

Page 44, under Decisions for Kandon, LLC (Charles Signs) should read 9 foot height variance, not 6 ½ as listed.

The minutes will be revised with the above changes.

Ms. Flood moved to approve the minutes, of June 7, 2005, as amended. Mr. Kilburg seconded the motion and it was unanimously approved.

Vouchers:

A voucher was received from Eagle Newspapers for legal advertisements totaling \$38.31.

A voucher was received from Melvin & Melvin for legal services totaling \$800.00.

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

Correspondence:

A memo was received regarding the Annual Employee Picnic at Gillie Lake.

Comments of the Board:

Mr. Borsky noted as of today, July 5, 2005, Fairmount Free Methodist Church has failed to return the stoned area back into lawn. In a letter dated May 11, 2005 to Fairmount Free Methodist Church, Code Enforcement Officer, Tom Price wrote; "You have failed to obtain the Special Use Permit for your ancillary parking from the Zoning Board of Appeals. You are hereby ordered to return the stoned area back into lawn within thirty (30) days of receipt of this letter."

Mr. Carr will contact Mr. Price to inquire how the Code Enforcement Office is handling this matter.

DECISIONS:

1. **Richard Canestrare** **TM#: 023.-02-16.0**
2220 West Genesee Turnpike
Camillus, NY 13031

Area Variance: 24' x 30' attached garage 15' in front of house

Chairman Feyl moved to grant a 17' setback variance to permit the construction of an attached 24' x 30' garage onto the west side of the applicant's house, extending 15' beyond the front building line of the house. Mr. de la Rosa seconded the motion and, because it was not unanimously approved, the Board was polled:

Ayes (6): Chairman Feyl, Ms. Flood, Mr. Belle, Mr. Borsky, Mr. de la Rosa and Mr. Kilburg.

No (1): Mr. Burke

Motion carried.

2. **Tim & Lisa Tighe** **TM#: 021.-04-03.0**
5938 Newport Road
Camillus, NY 13031

Special Use Permit: Allowance of a home business

Mr. Burke moved to grant the Special Use Permit with the following conditions: all signs be in conformity with the Code of the Town of Camillus for home occupations. That there be no outside storage, display or assembly of the business-related products, and that there be no more than three business-related pieces installed or maintained on the outside of the applicant's' property intended for the personal use of the applicants. The motion was seconded by Ms. Flood and unanimously approved.

**3. West Genesee Athletic Club
6415 Pottery Road
Camillus, NY 13031**

TM#: 007.-01-14.2

Special Use Permit: Allowance of a 14 x 14 foot press box to field #2

Mr. de la Rosa moved to amend the Special Use Permit to allow the West Genesee Athletic Club to have two 14 x 14 foot press boxes as shown on the map. The motion was seconded by Mr. Borsky and unanimously approved.

ADJOURNMENT:

The next meeting will be held on Tuesday, August 2, 2005 at 7:30 pm.

Ms. Flood made a motion to adjourn the meeting at 9:18 pm. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Cathy M. Solarte, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
August 2, 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Rich de la Rosa
Don Borsky
George Burke
Joe Kilburg

Absent - Ron Belle

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

No guests or Town Officials present

Approximately eight others

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance to our flag. Mr. Burke made a motion to waive the reading of the advertisements for tonight's Public Hearings, Mr. de la Rosa seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

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

TM#: 006.-01-25.0

Special Use Permit: Allowance of an 18' x 24' pavilion

Chairman Feyl received a letter from Paul J. Curtin, Jr., Planning Board Attorney, regarding the application of the Camillus Elks, it stated:

"At a regularly scheduled Planning Board meeting held on July 25, 2005, the above-referenced application was presented and discussed. The Board has determined that the proposed modifications, which affect the existing site plan, are not significant and that the Board's judgment will not have an adverse impact on either the Applicant and its use of the subject property or the property of the surrounding neighbors.

The Planning Board recommends a favorable determination on this application."

Mr. Walter Buchner, member and representative of the Camillus Elks Lodge, appeared before the Board to request an amended Special Use Permit to place an 18 x 24 foot roof over an existing barbecue area. Mr. Buchner stated the reason for the pavilion is to create a healthier, more sanitary, cooking facility. The proposed roof would be 8 to 10 feet high, supported by 4 x 4 pressure treated wood posts, have an opening for the barbecue's smoke to escape and constructed as required by Town Code.

The proposed pavilion is 15 feet from the property right-of-way in the side setback. Mr. Burke noted the 60.64-foot right-of-way is a dedicated private access to homes built behind the lodge. An R-1 district requires a 20-foot setback and a nonresidential use

requires an additional 25-foot buffer. However, the buildable R-3 district would be on the other side of the right-of-way, which is 75 feet from the proposed district. Mr. Burke also stated the 25-foot buffer was not required when the Elks Lodge was built and the existing 60.64 private access makes an excellent buffer.

Chairman Feyl closed this Public Hearing. The applicant will be notified within 62 days of the Board's decision.

Public Comment

Norma Dauenhauer, Camillus Elks Auxiliary and Lodge Member, asked the Board if the existing slab is grandfathered into the decision. Mr. Carr stated the initial Special Use Permit already established the layout and the purpose of requesting a modification is because the proposed roof slightly changes the existing site plan.

Carolyn Bench, Camillus Elks Auxiliary and Lodge Member, wanted to clarify that the correct title is the "Camillus Elks Lodge", not "Club" as stated on the meetings agenda.

2. **Pacino's Pizzeria (Steven Dann) TM#: 047.-05-21.0**
3508 West Genesee Street
Camillus, NY 13031

Special Use Permit: Allowance of a pizza shop

Chairman Feyl received a letter from Paul J. Curtin, Jr., Planning Board Attorney, regarding the application of Steven Dann, d/b/a Pacino's Pizzeria, it stated:

"The above-referenced matter has been referred to the Planning Board in connection with a Special Use Permit that has been applied for by Mr. Steven Dann. The Planning Board in its review of the application found that certain critical information was not presently available and therefore it could not render an advisory opinion to the ZBA.

The Planning Board respectfully requests that this matter be continued on the ZBA Agenda until such time as the applicant is prepared to proceed with a more fully developed site plan so that the Planning Board may properly determine the impact of the proposed use on the subject property as well as the surrounding area. The Board was advised that the Applicant would try to have the requested material available for its next meeting presently scheduled for August 15, 2005. We will keep you further advised on the progress of this file."

There was no representative for the applicant present. Chairman Feyl stated he spoke with Bill Davern, 3rd Ward Councilman, who said he received no negative feedback on the proposed pizzeria from anyone in the surrounding area. After a brief discussion, Chairman Feyl stated that until Pacino's Pizzeria submits a site plan, the ZBA is unable to move forward.

Ms. Flood moved to continue this public hearing at the next Zoning Board of Appeals meeting on September 6, 2005. The motion was seconded by Mr. Borsky and unanimously approved.

There was no public comment.

OLD BUSINESS:

None

NEW BUSINESS:

Applications:

1. **Karen Henderson** **TM#: 062.-01-8.0**
201 Mallard Drive
Camillus, NY 13031

Area Variance: Allowance of a front yard shed

Chairman Feyl stated that this application is incomplete; there is no survey or map to indicate the proposed placement of the front yard shed.

Mr. Burke moved to set a public hearing for the next Zoning Board of Appeals meeting on September 6, 2005 and to declare this action SEQR Type II, subject to receiving a site plan in a timely manner to allow advertisement. Mr. Borsky seconded the motion and, because it was not unanimously approved, the Board was polled:

Ayes (2): Mr. Borsky, Mr. Burke

No (4): Mr. de la Rosa, Mr. Kilburg, Chairman Feyl, Ms. Flood

Motion not carried

Mr. de la Rosa moved to set a public hearing for the next Zoning Board of Appeals meeting on September 6, 2005, declare this action SEQR Type II, and notify the applicant that they are required to have a sketch of their plan by the evening of their public hearing. "MOTION DENIED."

Mr. de la Rosa moved to set a public hearing for the next Zoning Board of Appeals meeting on September 6, 2005 at 7:30 p.m. and to declare this action SEQR Type II, contingent upon receipt of a site plan by the Code Enforcement Office on or before August 15, 2005, provided the Code Enforcement Office verifies the application is complete and finished in an expeditious manner.

Mr. de la Rosa further moved to have Chairman Feyl contact Tom Price, Code Enforcement Officer, to verify the application is complete and faxed to Mr. Carr, Zoning Board of Appeals Attorney, to advertise for a public hearing for the Zoning Board of Appeals meeting to be held on September 6, 2005. Ms. Flood seconded the motion and it was unanimously approved.

Minutes of Previous Meeting:

Page 49, under Public Hearing # 4, West Genesee Athletic Club, a statement made by Mr. Burke states “variance” and should be “revision to the Special Use Permit”.

Also on page 49, Application #1, Elks Club, should state; “Chairman Feyl moved to refer this application to the Planning Board and set a public hearing for the next Zoning Board of Appeals meeting to be held on August 2, 2005, declaring this action as SEQR unlisted.”

Page 50, Pacino’s Pizzeria (Steven Dann) should state; “Ms. Flood moved to refer this application to the Planning Board and set a public hearing for the next Zoning Board of Appeals meeting on August 2, 2005, declaring this action a SEQR Type II.”

Mr. Burke moved to approve the minutes, of July 5, 2005, as amended. Mr. de la Rosa seconded the motion and it was unanimously approved.

Vouchers:

A voucher was received from Eagle Newspapers for legal advertisements totaling \$20.15.

A voucher was received from Melvin & Melvin for legal services totaling \$1050.00.

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

Correspondence:

A list of permits issued during the month of June 2005 was received from Code Enforcement Officer Tom Price.

Comments of the Board:

Mr. Borsky stated that the Fairmount Free Methodist Church has not returned the stoned area back into lawn as ordered by the Code Enforcement Office. He asked Mr. Carr if a reply was received to his inquiry on how the matter was being dealt with.

Mr. Carr received the following email from Mr. Price:

“I have contacted the Pastor of the church to inquire why they have not complied with my order. He indicated a breakdown in communication within their organization and put me in contact with Jeff Lauffer who was handling this project. I spoke with Jeff and he indicated he will be re-submitting to the ZBA an application.”

Chairman Feyl stated that someone no longer with the church submitted the original application and that the ignored order is not a Zoning Board of Appeals issue but that of the Code Enforcement Office. Chairman Feyl added that when the ZBA receives a new application that meets all the requirements of the Planning Board, it will be dealt with accordingly.

Mr. Kilburg questioned the status of the four applications from Lamar Outdoor Advertising regarding Special Use Permits for the allowance of billboards. Mr. Carr stated the applications have been withdrawn and the applicant informed him that new applications would be submitted in the future.

Chairman Feyl told Board Members that he will share every piece of correspondence he receives with them in regards to a possible amendment of the Town Code concerning the delegation process of site plan approval and of special use permits so that they are kept informed of behind the scene developments.

Mr. Burke reminded the Board that the Zoning Board of Appeals meeting in October will be held on the 6th of the month which is a Thursday.

Mr. Kilburg questioned a statement made by Tom Price, Code Enforcement Officer, in an email to Dan Prendergast, as to whether the base on a proposed sign, is counted as square footage area of the sign. Mr. Burke stated that if the base is carried all the way down, to where it is totally covered, the ZBA has counted it. If there is only a post, the post below the sign area was not counted. The post area up at the sign where it expanded the overall view or in the case of a sign if it were brought all the way down to the ground has been counted.

Comments of the Attorney:

Mr. Carr stated that on all SEQR Unlisted Actions, prior to a determination on the application, there should be at least some discussion or assessment on the short form and a resolution of negative declaration of impact.

DECISIONS:

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

TM#: 006.-01-25.0

Special Use Permit: Allowance of an 18' x 24' pavilion

Chairman Feyl moved to grant a Special Use Permit to amend the existing Special Use Permit to allow for an 18 x 24 foot roof over the existing concrete slab, to cover the outdoor cooking area. Mr. de la Rosa seconded the motion and it was approved unanimously.

ADJOURNMENT:

The next meeting will be held on Tuesday, September 6, 2005 at 7:30 pm.

Mr. de la Rosa made a motion to adjourn the meeting at 9:35 pm. Mr. Kilburg seconded the motion and it was unanimously approved.

Respectfully submitted,

Cathy Solarte, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
September 6 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairman
Joy Flood, Vice Chairman
Ron Belle
Don Borsky
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

There were no guests or members of the public

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance.

Mr. Burke made a motion to waive the reading of the advertisements for tonight's Public Hearings, Mr. Borsky seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **Pacino's Pizzeria** **TM#: 047.-05-21.1**
3508 West Genesee Street
Syracuse, NY 13219

Special Use Permit: Allowance of a pizza shop

Chairman Feyl stated that this matter had been referred to the Planning Board and no recommendation has yet been received from that Board. Although the applicants were present prior to the commencement of the meeting, Chairman Feyl informed them that the matter would be continued until the 10/6/05 meeting and instructed them there was no need to attend the meeting.

2. **Karen Henderson Flaig & Bruce Flaig** **TM#: 062.-01-8-0**
201 Mallard Drive
Camillus, NY 13031

Area Variance: Shed in front yard

Both applicants appeared before the Board. Bruce Flaig reviewed the decision of the Camillus Town Board, who on July 26, 2005 granted a fence exception allowing a six-foot high fence to extend approximately thirty feet in length from the house to the existing trees on the southeasterly corner of the property, running perpendicular to Pineledge Road and parallel to Mallard Drive. The resulting enclosed yard area is the proposed location of a 10' x 10' shed.

The applicant submitted for the record a written statement from Fred Schlecht and Virginia Rand, the adjacent neighbors at 111 Pineledge Road, who have reviewed the proposed plan and have no objections.

Chairman Feyl noted that the Town Councilor for the Ward, Diane Dwire, contacted him by telephone and expressed her support of the variance being granted, noting her belief that the existing trees provide ample buffering.

Mr. Borsky inquired why the applicant chose to locate the shed as proposed, rather than locating it in the rear of the property near the air conditioning compressor. Mr. Flaig explained that the space looks sizable on paper but with the trees in the area, there really is not sufficient space plus the shed would be much more visible from Mallard Drive.

Ms. Flood inquired whether there was a slight grade at the proposed location of the shed. Mr. Flaig confirmed there was and stated that the area would be leveled.

Mr. Burke inquired why the shed was not being placed in the back yard. Mr. Flaig explained that the fence exception granted by the Town Board essentially allows that portion of the yard on this corner lot to become part of the back yard. The location was selected because the trees act as a buffer, minimizing visibility of the shed.

Mr. Belle asked to review the photos of the property supplied by Mr. Flaig and confirmed that the shed will not be visible from Pineledge Road.

Mr. Kilburg confirmed there was a concrete patio & landscaping in the existing backyard.

There was no public comment.

OLD BUSINESS:

Mr. Burke inquired about any progress on the maintenance issues related to Fairmount Free Methodist Church. Mr. Feyl again reiterated that with no application currently before the Board, this is not a matter under the jurisdiction of the Zoning Board of Appeals and all inquiries and discussion should be referred to the Town Code Enforcement Office.

NEW BUSINESS:

Applications:

- 1. Lois Retzos** **TM#: 036.-02-15.0**
306 Vanida Drive
Camillus, NY 13031

Interpretation: Allowance of an in-law apartment

Mr. Burke moved to set a public hearing for the next Zoning Board of Appeals meeting to be held on October 6, 2005 and to declare this action a Type II action under SEQR. The motion was seconded by Ms. Flood and unanimously approved.

Minutes of Previous Meeting:

Mr. de la Rosa moved to approve the minutes of the August 2, 2005 meeting. The motion was seconded by Mr. Kilburg and unanimously approved.

Vouchers:

A voucher was received from Melvin & Melvin for legal services totaling \$475.00.

A voucher was received from Eagle Newspapers for legal advertising totaling \$20.54.

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

Correspondence:

A memo was received from Mary Ann Coogan, Town Supervisor, regarding the upcoming New York Planning Federation 2005 Conference.

The 2006 Budget worksheet was received from Bob Kline, Town Comptroller.

A list of building permits issued during the month of July was received from Tom Price, Code Enforcement Officer.

Comments of the Board:

Mr. Borsky inquired about Town Board Resolution #272 of August 23, 2005 related to special use permits and asked Mr. Carr to clarify the meaning, which he did. Mr. Burke further discussed the impact of this resolution on the Zoning Board of Appeals.

DECISIONS:

- 1. Karen Henderson Flaig & Bruce Flaig TM#: 062.-01-8-0**
201 Mallard Drive
Camillus, NY 13031

Area Variance: Shed in front yard

The Board briefly discussed the property lines and prior decisions rendered on similar applications. It was determined that it was not feasible to restrict the area variance with regard to the trees on the property remaining intact. Mr. Bell made a motion to grant an area variance to allow for a shed in the front yard of the property as proposed by the

applicant. Mr. Kilburg seconded the motion. Because the decision was not unanimous, the Board was polled:

Aye: Mr. de la Rosa, Mr. Kilburg, Mr. Borsky, Chairman Feyl, Ms. Flood, Mr. Belle
No: Mr. Burke

Motion carried.

ADJOURNMENT

Ms. Flood made a motion to adjourn the meeting at 8:45 pm. Mr. Kilburg seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
October 6 2005 - 7:30 pm**

PRESENT:

Bob Feyl, Chairperson
Joy Flood, Vice Chairperson
Ron Belle
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ronald Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

Bill Davern, Third Ward Councilor
John Fatcheric, Planning Board Chairperson
Tom Kehoskie, Parks & Recreation Director

Absent:

Don Borsky

The meeting was called to order at 7:30 pm by Chairman Feyl, followed by the Pledge of Allegiance.

PUBLIC HEARINGS:

1. **Pacino's Pizzeria** **TM#: 047.-05-21.1**
3508 West Genesee Street
Syracuse, NY 13219

Special Use Permit: Allowance of a pizza shop

Dave Prigden from Coldwell Banker appeared on behalf of the applicant. He reviewed the applicants' plan to open a primarily takeout pizza shop in Gifford Plaza. The applicants have met with the residential neighbors to discuss their concerns and Mr. Dann, the applicant, explained that because a main concern was the amount of traffic behind the building, the majority of business will be conducted via the front entrance, with raw material deliveries to the back entrance between 9:00 AM and 11:00 AM (as approved by the neighbors).

Mr. Prigden read into the record a letter from Jack Gifford, owner of Gifford Plaza. Mr. Gifford noted that during the 40 years his plaza has been in existence, he has been a good neighbor, received few complaints, and has effectively addressed those that have arisen. He expects that the pizza shop will cause little change to plaza activity levels, and stated his continued commitment to being a good neighbor. He expressed his support of the Pacino's Pizza proposal, requesting that the special use permit be granted.

Mr. de la Rosa questioned whether exhaust fans and odor mitigation was discussed during meetings with the neighbors. Mr. Dann stated that it was discussed and that his shop will be using new, state of the art exhaust systems. Ms. Flood added that because it will all be new construction, everything will be subject to the inspection and approval of the Code Enforcement Office.

John Fatcheric, Planning Board Chairperson, explained that the Planning Board had recommended to the applicants that they redesign the interior of the facility to avoid the need for a parking variance. Chairman Feyl read into the record a letter from Paul Curtin, Planning Board Attorney, which outlined the Planning Board's opinion that, as proposed, the applicant would require a variance for six parking spaces.

The Board engaged in a discussion regarding the floor plan and roof of the building. Mr. Prigden noted that Mr. Gifford, the property owner, intends to have the roof replaced within the next 30-45 days.

Mr. Dann reviewed the hours of business and the menu selections and confirmed that they will be providing delivery service during the lunchtime hours. Mr. Prigden stated that there would be no alcohol served at the location.

Chairman Feyl read into the record a letter from Tom Price, Code Enforcement Officer, who expressed his opinion that the proposed use will create greater noise and odors than the existing retail use, that the existing residential property is close and no buffer exists, and suggested that the Board look at special consideration to improve the separation between the commercial and residential uses to mitigate the impact of a more intense use.

Public Comment:

Bill Davern, Third Ward Councilor, requested Mr. Dann clarify the square footage of the operation and Mr. Dann stated that there would be 600 square feet of storage space and 1300 square feet of food facility.

Mr. Davern stated that he has met with residents of the neighborhood and there is concern that, at 5' 6", the fence separating this property from the adjacent residences is too low. He also stated that, although he has been in favor of this project all along, he is unable to give his full support unless an 8-foot fence that extends to the end of the building is required.

At the request of Chairman Feyl, Ron Carr, Zoning Board of Appeals Attorney, explained that while the Board might place reasonable conditions on a special use permit, such conditions must relate specifically to the use being requested. Because the applicant is seeking a special use permit for a single leased space in a multi-use property owned by a third party, the Board is unable to place any conditions related to a fence on the overall lot. Similarly, because the special use permit is being requested by the applicant for a specific use only in the leased space, such conditions cannot be placed upon the property owner either.

Chairman Feyl clarified that the Board does have the ability to place conditions related to the roof placement of the exhaust system, the traffic patterns of the delivery vehicles, and the hours of operation, in addition to consideration of the parking variance.

Mary Boulerice of 103 Sunnybrook Drive expressed her concern about the business being open beyond 11:00 PM at night as she feels this would cause disturbance to the neighborhood. She does not take issue with extending the early morning hours.

Chairman Feyl closed the Public Hearing and stated that the applicant will be notified within 62 days of the Board's decision.

2. **Lois Retzos**
306 Vanida Drive
Camillus, NY 13031

TM#: 036.-02-15.0

Interpretation: Allowance of an in-law apartment

Mr. de la Rosa made a motion to waive the reading of the public hearing notice. Ms. Flood seconded the motion and it was unanimously approved. Chairman Feyl read into the record a letter from the applicant requesting that her application be withdrawn. There was no public comment.

Mr. Burke made a motion to grant the applicant's request and dismiss the matter without prejudice. Mr. Kilburg seconded the motion and it was unanimously approved.

OLD BUSINESS:

None

NEW BUSINESS:

Applications:

1. **Kassis Superior Signs (for Rocklyn)**
5300 West Genesee Street
Camillus, NY 13031

TM#: 035.-05-27/28

Area Variance: Signage exceeding the allowed square footage

Mr. Burke moved to declare this a Type II action under SEQRA, declare a negative declaration, and set a public hearing for the next Zoning Board of Appeals meeting to be held on November 1, 2005 at 7:30 PM. The motion was seconded by Mr. Kilburg and unanimously approved.

Minutes of Previous Meeting:

Mr. de la Rosa moved to approve the minutes of the September 6, 2005 meeting. The motion was seconded by Ms. Flood and unanimously approved.

Vouchers:

A voucher was received from Eagle Newspapers for legal advertising totaling \$19.75.

A voucher was received from Melvin & Melvin for legal services totaling \$425.00.

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

Correspondence:

A copy of a petition to several governing entities was received from neighbors opposing zone changes for the purpose of allowing alcohol consumption by the public adjacent to and/or bordering the West Genesee School District property.

A letter was received from Mr. Frank Lipari regarding the physical condition of the property located at the corner of Onondaga Road and Silverlace Terrace. As this issue is not before the Board, the letter will be forwarded to the Code Enforcement Office.

Comments of the Board:

Mr. Burke suggested the calendar for next year’s Zoning Board Meetings be completed by the next meeting.

DECISIONS:

- 1. **Pacino’s Pizzeria** **TM#: 047.-05-21.1**
3508 West Genesee Street
Syracuse, NY 13219

Special Use Permit: Allowance of a pizza shop

Ms. Flood made a motion to grant a special use permit to Pacino’s Pizza conditioned upon the pizza delivery vehicles remaining in the front parking lot adjacent to W. Genesee St., the hours of operation not exceeding 7:00 AM to 11:00 PM on any night of the week, that the exhaust fan be placed upon the highest portion advisable of the Northwest side of the roof, and that the applicant be given a variance for 6 parking places on the parking lot facing W. Genesee St. for so long as the location remains a small restaurant. Mr. Kilburg seconded the motion. Because the decision was not unanimous, the Board was polled:

Aye: Chairman Feyl, Mr. Belle, Mr. de la Rosa, Ms. Flood, Mr. Kilburg
No: Mr. Burke

Motion carried.

ADJOURNMENT

Mr. Kilburg made a motion to adjourn the meeting at 9:10 PM. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
November 1, 2005 - 7:30 PM**

PRESENT:

Bob Feyl, Chairperson
Joy Flood, Vice Chairperson
Ron Belle
Don Borsky
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ron Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

None

The meeting was called to order at 7:30 PM by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the public hearing notice. Mr. Kilburg seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **Kassis Superior Signs (for Rocklyn) TM#: 035.-05-27/28**
5300 West Genesee Street
Camillus, NY 13031

Area Variance: Signage exceeding the allowed square footage

Mr. Art Kanerviko of the Rocklyn Company, developer of the property, appeared on behalf of the applicant. The sign they are proposing exceeds the allowable square footage of a freestanding sign by 51 square feet, for which they are seeking an area variance. He described the proposed sign as mirroring the overall architecture of the building, consisting of brick columns fluted with yellow soldier brick and a gable of Masonite siding and decorative trim, and provided a color design sketch as illustration.

Mr. Kilburg offered his compliments on the design of the sign. He suggested that other Boards might use this sign as an example of the type of complimentary design the Town should endeavor to implement in the future.

Mr. Borsky inquired as to the method by which the sign will be illuminated. Mr. Kanerviko explained that the tenant signs on the structure would be backlit. In response to Chairman Feyl's inquiry about the hours of illumination, Mr. Kanerviko noted that the illumination would cease at the same time the property parking lights turn off in the evening.

Mr. Burke, Ms. Flood, and Mr. de la Rosa all questioned the street numbering of the facility. Mr. Kanerviko explained that there would be no number on the proposed sign as emergency services requires each tenant to have their own street number. Those numbers will be posted on the glass entryway of each storefront and are meant for onsite identification only.

Ms. Flood mentioned that it had been expressed to her that the sign would infringe on the view of the Alliance Bank sign to the west but, after visiting the property, she does not anticipate that being an issue. Mr. Kilburg noted his feeling that it may be an issue. Mr. Kanerviko stated that Alliance Bank received variances to allow for additional signage on the building allowing for added exposure and, since this sign meets the required 15' setback from the road, it would not block other signage any more than is the norm on the rest of the corridor.

Mr. Burke questioned the amount of building signage. Mr. Kanerviko did not have the figures with him, but confirmed that they were well within what he understood to be an allowance of one square foot per linear feet of store frontage. Chairman Feyl requested that Ron Carr, Zoning Board of Appeals Attorney, clarify the law related to this and Mr. Carr stated that the maximum signage allowed for the building is not to exceed 100 square feet, including the freestanding sign being proposed. Given that, approval of an area variance for the proposed sign would only allow for an additional 64 square feet of signage on the front of the building.

Mr. Kanerviko stated he was surprised by this information as he had met with and thoroughly reviewed the intended signage for the site with Tom Price, Town of Camillus Code Enforcement Officer. Based on that meeting and Mr. Price's guidance, he understood the variance now before the Board to be all that would be required. He expressed great concern over the fact that, again based on Mr. Price's guidance, he had already ordered building signage at significant expense.

Chairman Feyl explained to Mr. Kanerviko that the Board could consider & render a decision on the present application if he so desired however, the applicant would later need to file a separate application for an area variance related to the building signage. He suggested that the applicant might wish to forgo approval of the application at this time, have the Board continue the public hearing, and reappear to present and seek a variance for the total signage being proposed on the site. Mr. Kanerviko agreed that the latter would be the best course of action.

Ms. Flood made a motion to continue this public hearing until the next Zoning Board of Appeals meeting to be held on December 6, 2005 at 7:30 PM. Mr. Borsky seconded the motion and unanimously approved.

OLD BUSINESS:

None

NEW BUSINESS:

Chairman Feyl reviewed the 2006 meeting schedule for the Zoning Board of Appeals, noting that all meetings will be held on the first Tuesday of each month with the exception of the July meeting which will be moved to Thursday, July 6 due to a conflict with the Independence Day holiday and the November meeting which will be moved to Thursday, November 9 due to a conflict with Election Day.

Chairman Feyl proposed moving the start time of meetings to 7:00 PM, as is the norm for the Town Board and Planning Board. Mr. Belle expressed his support of the proposal and Mr. Burke expressed his disapproval of the proposal. Chairman Feyl moved to change the start

time of Zoning Board of Appeals meetings to 7:00 PM as of January of 2006. The motion was seconded by Mr. de la Rosa and, because it was not unanimous, the Board was polled:

Aye: Mr. Belle, Mr. Borsky, Mr. de la Rosa, Chairman Feyl, Ms. Flood,
No: Mr. Burke, Mr. Kilburg

Chairman Feyl summarized the Zoning Board of Appeals budget for 2006, noting there is little change from the budget of 2005.

Applications:

1. **Maroney, Richard** **TM#: 053.-03-23.0**
4439 Whedon Road
Camillus, NY 13031

Area Variance: Accessory structure closer than 5' to the side property line

Mr. Borsky moved to declare this a Type II action under SEQR and set a public hearing for the next Zoning Board of Appeals meeting to be held on December 6, 2005 at 7:30 PM. The motion was seconded by Mr. Kilburg and unanimously approved.

2. **Emmick, Dianne** **TM#: 043.-01-43.0**
116 Eggleston Drive
Camillus, NY 13031

Area Variance: Porch in the front of the property

Ms. Flood moved to declare this a Type II action under SEQR and set a public hearing for the next Zoning Board of Appeals meeting to be held on December 6, 2005 at 7:30 PM. The motion was seconded by Mr. Kilburg and unanimously approved.

3. **Kassis Superior Signs (for Jackson Hewitt)** **TM#: 047.-04-17.0**
3606 West Genesee Street
Syracuse, NY 13219

Area Variance: Signage exceeding the allowed square footage

Ms. Flood moved to declare this a Type II action under SEQR and set a public hearing for the next Zoning Board of Appeals meeting to be held on December 6, 2005 at 7:30 PM. The motion was seconded by Mr. Kilburg and unanimously approved.

Minutes of Previous Meeting:

Mr. Burke requested the words "At the request of Chairman Feyl" be added to the beginning of paragraph 10 of the public hearing for Pacino's Pizza.

Mr. Burke also indicated that, in his motion to grant dismissal of the Lois Retzos application, he stated “without cause” when in fact he meant to state “without prejudice” and asked that the minutes be edited to reflect that.

Mr. Burke moved to approve the minutes of the October 6, 2005 meeting as amended. The motion was seconded by Mr. de la Rosa and unanimously approved.

Vouchers:

A voucher was received from Eagle Newspapers for legal advertising totaling \$21.33.

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

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

Comments of the Board:

Chairman Feyl noted that the New York Planning Board Federation meeting in Saratoga Springs was excellent and provided great information. He shared some materials he brought back with the Board.

Ms. Flood expressed her dismay at the fact that consideration of Mr. Kanerviko’s application has been delayed despite his best proactive efforts to address all issues with the Code Enforcement Office prior to this meeting. Further, she expressed disappointment that, when she specifically discussed this application with Mr. Price earlier in the day, there was no indication of any issues other than the freestanding sign. She reiterated her belief that it is critical for Mr. Price or a designated representative of his office appear at Board meetings to provide input and clarification on the applications they refer to the Board. She offered this situation as evidence of the importance of their participation in the process.

ADJOURNMENT:

Mr. Kilburg made a motion to adjourn the meeting at 8:32 PM. Mr. Borsky seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
November 22, 2005 - 7:00 PM**

PRESENT:

Bob Feyl, Chairperson
Joy Flood, Vice Chairperson
Ron Belle
George Burke
Rich de la Rosa
Joe Kilburg

STAFF PRESENT:

Ron Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

John Fatcheric, Planning Board Chairperson
Tom Price, Code Enforcement Officer

ABSENT:

Don Borsky

The meeting was called to order at 7:10 PM by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the public hearing notice. Mr. Kilburg seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **Kassis Superior Signs (for Rocklyn) TM#: 035.-05-27/28**
5300 West Genesee Street
Camillus, NY 13031

Area Variance: Signage exceeding the allowed square footage

Art Kanerviko of the Rocklyn Company, developer of the property, appeared on behalf of the applicant. He referred to a letter that was presented to the Board, outlining the applicant's current building signage proposal for an area variance to utilize 70% of the linear frontage of the plaza, totaling 145 sq. ft. to be allocated as needed amongst the building tenants, and add an 87 sq. ft. pylon sign. He also presented for the Board's review some computer-generated images of the proposed sign to illustrate that what is being proposed is aesthetically pleasing and expressed his belief that, because the design is in keeping with the overall architecture of the building, what is being proposed is not overstepping the bounds of good zoning or taste.

Chairman Feyl expressed apologies on behalf of the Town to Mr. Kanerviko related to the inability to render a decision on this area variance at the last meeting due to errors made within the Town departments in interpreting the initial application. He expressed that it is not the intention of any Town employee or entity to make it difficult for developers to engage in business in the Town by requiring repeat visits to Boards for approval, but this was the result of a regrettable mistake and Mr. Kanerviko's cooperation is very much appreciated.

Mr. Kilburg inquired whether all the lettering on the pylon sign would be red. Mr. Kanerviko stated that tenants would be allowed to use their standard logo colors, which may vary.

Mr. Burke suggested that, rather than granting an area variance for the overall building signage, it might be advisable to grant a variance of .75 sq. ft. per linear foot of building frontage instead. This would prevent the possibility of consolidated signage on only one part of the building with little signage elsewhere, yet would still provide adequate proportional signage space for each individual tenant. Mr. Kanerviko agreed that would be acceptable.

Mr. Burke stated that the area variance being sought on the pylon sign is horrendous and so he would like to see the pylon sign treated as a structure with a sign on it. This would require a variance to place a structure forward of the principal building on the lot and then grant a variance to allow the signage on the structure. The total signage could then be considered, which would only require a variance of 1 sq. ft. Mr. Burke expressed that, although he feels the sign being proposed is desirable, he is concerned about the consequences of setting a precedent for granting large variances related to signs.

Chairman Feyl clarified that the Town is currently working on changes to the antiquated signage laws currently in place, which tend to consider only individual businesses rather than group structures such as this strip mall. In the interim, the Board must work within the existing law and make a decision based on that.

There was no public comment.

Mr. Price clarified that building signage would be considered as part of the decision made. Chairman Feyl indicated it would be included in the variances granted.

Ms. Flood made a motion to close this public hearing. The motion was seconded by Mr. Belle and unanimously approved.

Comments of the Board:

Chairman Feyl requested Mr. Carr's input on the variances being discussed. Mr. Carr indicated concern that the Board was considering declaring the sign a structure, meaning it would no longer be considered a freestanding sign, then would apply an area variance based on what the law sets forth for freestanding signs. If the Board were to consider it a freestanding sign, a large area variance could be granted on that sign and the Board would retain the right to deny future applications for similarly sized variances for signs that do not have the desirable overall affect that this one being proposed does. He indicated he was not advocating one path over another, but was merely providing information related to what the Board is considering.

Mr. Fatcheric inquired whether the total square footage of the structure is considered by the ZBA to be part of the sign. Mr. Burke indicated that was the case. Mr. Fatcheric stated that this contradicts his education and the understandings of the Planning Board, Town Board, and Code Enforcement Office when interpreting signage figures. Mr. Carr indicated that the Zoning Board of Appeals has interpreted the definition of sign as including the wording and the encasement elements in determining the square footage of a sign.

Mr. Price indicated that he generally calculates the square footage of a sign by considering the “box” that encompasses the actual signage, omitting the support structures from those figures, but because this sign is more elaborate than most, he deferred to the ZBA for an opinion.

Mr. de la Rosa indicated that, although he understood the ramifications of setting a precedent by granting a large sign variance and having some other applicant try to seek the same in the future, he wasn’t sure what would be gained by declaring the sign a structure and granting the necessary variances to allow the signage as that would have similar ramifications with regard to future applicants. He stated his opinion that there is no clean way to accomplish the approval but stressed that, in either case, the rationale for the decision must be very clear in order to allow the Board to defend denial of future requests.

Mr. Kilburg stated he was not certain which way was the best way to facilitate approval of this sign, but being in favor of it, he would defer to the majority opinion of the Board with regard to the methodology in which approval should be granted.

Mr. Belle stated his belief that the proposal should be handled as a freestanding sign, retaining the right to deny future requests on a case-by-case basis, taking into consideration each presentation on its own merits.

Ms. Flood stated she was in agreement with Mr. Belle, indicating that she did not feel this should be treated as a separate structure and, until the Town Board changes the signage laws, this Board can deny any future applications as necessary.

DECISIONS:

- 1. Kassis Superior Signs (for Rocklyn) TM#: 035.-05-27/28
5300 West Genesee Street
Camillus, NY 13031**

Area Variance: Signage exceeding the allowed square footage

Mr. Burke made a motion to declare the sign being proposed as a structure, to allow an accessory structure as presented in the drawings submitted at the November 1, 2005 meeting no closer than 15’ from the southern property line, grant a variance to allow 37 sq. ft. of signage to be placed on the accessory structure in lieu of a freestanding sign, to allow signage on the building up to .75 sq. ft. per linear foot of leased space per tenant, and allow a total area variance for all signage of 93 sq. ft. thus allowing 193 sq. ft. of signage. The motion was seconded by Mr. de la Rosa and was unanimously approved.

ADJOURNMENT:

Ms. Flood made a motion to adjourn the meeting at 8:05 PM. Mr. de la Rosa seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk
Zoning Board of Appeals

**TOWN OF CAMILLUS
ZONING BOARD OF APPEALS
December 6, 2005 - 7:30 p.m.**

PRESENT:

Bob Feyl, Chairperson
Joy Flood, Vice Chairperson
Ron Belle
Don Borsky
George Burke
Rich de la Rosa

STAFF PRESENT:

Ron Carr, Esq.

GUESTS & MEMBERS OF THE PUBLIC

John Fatcheric, Planning Board Chairperson
Tom Price, Code Enforcement Officer
approximately four others

ABSENT:

Joe Kilburg

The meeting was called to order at 7:32 p.m. by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the public hearing notices. Mr. Borsky seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. **Richard Maroney
4439 Whedon Road
Camillus, NY 13031**

TM#: 053.-03-23.0

Area Variance: Accessory structure closer than 5' to the side property line

Richard Maroney, the applicant, appeared for the public hearing. He presented his plan to the Board, explaining he desires to construct an 18' x 32' detached garage two feet from the property line to avoid placing the garage directly behind the house on his narrow lot and to allow space for a planned deck off the back of the house. He provided pictures of his property to illustrate his plan.

Chairman Feyl asked for clarification on the aesthetic issue posed by the applicant, as it seems there is room on the property to accommodate both without the garage having to be so close to the property line or causing an aesthetic issue. Mr. Maroney indicated that the needed space for the deck was the primary concern.

Chairman Feyl asked what the neighboring property owners' opinions on this were. Mr. Maroney stated he had discussed the project with them and received positive feedback but had no documentation to support that. Chairman Feyl explained to him that, because the setback laws exist in part for the benefit of neighboring property owners, some written approval from them would be helpful.

Chairman Feyl inquired how far beyond the sidewall the roof eaves overhung and Mr. Maroney indicated that that they protrude approximately one foot beyond. Given that, Chairman Feyl explained, the variance required would actually be four feet rather than the three feet applied for, meaning the garage would be one foot from the property line.

He suggested that Mr. Maroney consider revising his plan as moving the garage two feet would position it so that no variance would be required.

Mr. de la Rosa expressed concern that the property could be properly maintained with only one foot of space and suggested that, although the current neighbors may not have a problem with Mr. Maroney's plan, future adjacent property owners may.

Mr. Burke inquired whether there were any topographical concerns necessitating situating the garage in the proposed location. Mr. Maroney stated there were not and the primary reasons were aesthetic. Mr. Burke explained that owner desire alone is not justification for granting a variance.

Ms. Flood inquired whether the proposed structure was a one-car garage and Mr. Maroney stated it was a one and a half car garage meant to house one car plus some additional belongings/equipment. Ms. Flood remarked that two vehicles are shown in the pictures presented and noted that, with only one in the garage, another will be in the driveway both in view and in the path of the car exiting the garage, detracting from the aesthetics and ease of ingress and egress cited by the applicant as the reasons necessitating this. She stated her feeling that there are other options available to the applicant although he may not find them the most desirable, and explained to him that many property owners have aspects to their property that they do not consider optimal but are necessary from a proper zoning point of view.

Mr. Carr inquired what the height of the garage roof peak was and whether the sidewall surfaces would be constructed of non-flammable materials. Mr. Maroney stated the peak would be fifteen feet and that the walls would be constructed according to what is required by the Town Code.

There was no public comment.

Chairman Feyl closed the public hearing.

**2. Dianne Emmick
116 Eggleston Drive
Camillus, NY 13031**

TM#: 043.-01-43.0

Area Variance: Porch in the front of the property

Dianne Emmick, the applicant, appeared for the public hearing. She explained her desire to add a 5 x 7 foot entry porch to the front of her home because the Cape Cod style of the home currently requires guests to enter into her living room from the outdoors, allowing cold outside air directly into her home and failing to provide adequate space for coat storage or boot removal. She submitted to the Board a letter signed by the property owners on each side of her property and across the street, all stating their support of her proposed project. In addition, she presented photographs illustrating similar construction on other properties in the neighborhood.

Mr. Borsky asked whether this would be an addition off the existing wall of the house, whether the shrubbery currently in place would be removed, how the stairs currently in place would be dealt with, and whether the décor would match the house. Ms. Emmick

indicated that the structure would be off the existing wall, that the shrubbery will be removed, that the new structure will be built over the existing stairs with new access provided via steps off the side of the enclosure, and that her entire house will be resided this winter providing a cohesive look.

Mr. Burke commented that the house at #112 Eggleston Drive has a semi-enclosed porch, the house at #101 has a 6' fence in front, and the house at #104 was granted a garage variance.

There was no public comment.

Chairman Feyl closed the public hearing.

**3. Kassis Superior Signs (for Jackson Hewitt)
3606 West Genesee Street
Syracuse, NY 13219**

TM#: 047.-04-17.0

Area Variance: Sign exceeding the allowable square footage

Scott, representing Jackson Hewitt, appeared for the public hearing. He explained that the business would be located in the vacant storefront that shares the building with Colonial Laundromat. Their desire is to add a 16 sq. ft. sign to the existing freestanding street sign to identify this new business. He provided a computer generated illustration of the proposed look of the sign and confirmed that they currently have a similar sized temporary banner in the proposed location of the sign.

Chairman Feyl updated the Board on the research done regarding any previous area variances that have been granted for signage on this property, noting that the only one on record was an area variance granted for signage on the side of the building. There is no record of any area variances being granted for the street signage.

Chairman Feyl inquired how the sign would be illuminated. The applicant indicated it would be a standard, internally lit box sign.

Mr. Borsky questioned how the signage is currently lit and the applicant indicated that directional lighting from the top of the sign structure illuminates the current signage, which is not internally lit.

There was no public comment.

Chairman Feyl closed the public hearing.

Comments of the Public: None

Comments of Town Officials: None

Comments of the Board: None

NEW BUSINESS:

Applications:

1. **Palmer, Reggie** **TM#: 008.-04-11.0**
3203 Ruby Road
Camillus, NY 13031

Special Use Permit: Vehicle Dismantler

Mr. de la Rosa moved to declare this an unlisted action under SEQR, refer it to the Town Planning Board, and set a public hearing for the next Zoning Board of Appeals meeting to be held on January 3, 2006 at 7:00 p.m. The motion was seconded by Ms. Flood and unanimously approved.

2. **Syracuse Utilities (Sprint)** **TM#: 019.-01-10.0**
5882 Devoe Road
Camillus, NY 13031

Amended Special Use Permit: Add a generator to the site

Mr. de la Rosa moved to declare this an unlisted action under SEQR, refer it to the Town Planning Board, and set a public hearing for the next Zoning Board of Appeals meeting to be held on January 3, 2006 at 7:00 p.m. The motion was seconded by Mr. Borsky and unanimously approved.

3. **Lamar Advertising** **TM#: 017.-04-48.3**
3688 Milton Avenue
Camillus, NY 13031

Special Use Permit: Billboards

Mr. de la Rosa moved to declare this an unlisted action under SEQR, refer it to the Town Planning Board, and set a public hearing for the next Zoning Board of Appeals meeting to be held on January 3, 2006 at 7:00 p.m. The motion was seconded by Mr. Burke and unanimously approved.

4. **Lamar Advertising** **TM#: 015.-04-07.1**
3996 Boxcar Lane
Syracuse, NY 13219

Special Use Permit: Billboards

Mr. de la Rosa moved to declare this an unlisted action under SEQR, refer it to the Town Planning Board, and set a public hearing for the next Zoning Board of Appeals

meeting to be held on January 3, 2006 at 7:00 p.m. The motion was seconded by Mr. Burke and unanimously approved.

5. **Lamar Advertising**
4938-4950 West Genesee Street
Camillus, NY 13031

TM#: 041.-01-61.2

Special Use Permit: Billboards

Mr. de la Rosa moved to declare this an unlisted action under SEQR, refer it to the Town Planning Board, and set a public hearing for the next Zoning Board of Appeals meeting to be held on January 3, 2006 at 7:00 p.m. The motion was seconded by Mr. Burke and unanimously approved.

6. **Allied Sign/Loeffler Beauty Systems**
3504 West Genesee Street
Camillus, NY 13031

TM#: 047.-06-10.0

Area Variance: Allow additional signage on existing freestanding sign

Ms. Flood moved to declare this a SEQR Type II action and set a public hearing for the next Zoning Board of Appeals meeting to be held on January 3, 2006 at 7:00 p.m. The motion was seconded by Mr. de la Rosa and unanimously approved.

Minutes of the Previous Meeting:

Mr. de la Rosa moved to approve the minutes of the November 1, 2005 and November 22, 2005 meetings. The motion was seconded by Mr. Belle and unanimously approved.

Reappointment Recommendations:

Mr. Belle moved to recommend the appointment of Chairman Feyl whose term with the Board expires on December 31, 2005, to another five-year term with the Board and to reappoint him as Chairman. The motion was seconded by Mr. Borsky and unanimously approved.

Mr. de la Rosa moved to recommend the appointment of Ms. Flood whose term with the Board expires on December 31, 2005, to another five-year term with the Board and to reappoint her as Vice-Chairperson. The motion was seconded by Chairman Feyl and unanimously approved.

Mr. Belle moved to reappoint Ron Carr of Melvin & Melvin, PLLC as Zoning Board of Appeals Attorney. Mr. de la Rosa seconded the motion and it was unanimously approved.

Mr. Borsky moved to reappoint Martha Dickson-McMahon as Zoning Board of Appeals Clerk. The motion was seconded by Mr. Belle and unanimously approved.

Vouchers:

A voucher was received from Melvin & Melvin, PLLC for legal fees in the month of November amounting to \$725.00.

A voucher was received from the New York Planning Federation for the Zoning Board of Appeals' portion of the Town of Camillus' 2006 organization dues amounting to \$75.00.

A voucher was received from Mr. Burke for the registration fees for his attendance at the zoning & planning seminar hosted by Bond, Schoeneck and King on December 7, 2005.

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

Comments of the Board:

Members of the Board wished everyone a happy holiday season and sent their regards to Mr. Kilburg.

DECISIONS:

- 1. **Richard Maroney**
4439 Whedon Road
Camillus, NY 13031

TM#: 053.-03-23.0

Area Variance: Accessory structure closer than 5' to the side property line

Mr. de la Rosa stated he does not feel that allowing only one foot between the structure and the property line will allow for proper maintenance.

Mr. Borsky expressed concern about how such a variance might affect future adjacent property owners.

Mr. Belle expressed concern that there is no documented input from the existing neighbors.

Ms. Flood stated her opinion that there are other options available to the applicant that would allow him to accomplish this project without a variance.

Mr. Burke explained that setbacks are required for a variety of reasons, most importantly to allow for proper maintenance. He agreed that there is no need for a variance in this case as the applicant has other reasonable options available to him.

Mr. Borsky moved to approve under SEQR II the applicant's desire to construct an 18' x 32' detached garage, granting a four-foot area variance to allow for the construction one foot from the property line. The motion was seconded by Mr. de la Rosa. Because it was not unanimously approved, the Board was polled:

Ayes: Mr. Belle

Nos: Mr. de la Rosa, Mr. Borsky, Chairman Feyl, Mr. Burke, Ms. Flood

The motion failed and the application was denied.

2. **Dianne Emmick**
116 Eggleston Drive
Camillus, NY 13031

TM#: 043.-01-43.0

Area Variance: Porch in the front of the property

Ms. Flood made the motion to approve granting an area variance providing a five-foot protrusion into the front yard setback to allow for the addition of a front porch entryway. Mr. Burke seconded the motion and it was unanimously approved.

3. **Kassis Superior Sign (for Jackson Hewitt)**
3606 West Genesee Street
Syracuse, NY 13219

TM#: 047.-04-17.0

Area Variance: Sign exceeding the allowable square footage

Mr. de la Rosa stated he was not comfortable with allowing additional signage on this site, but feels it is necessary to allow the community to locate this establishment easily and safely.

Mr. Borsky concurred with Mr. de la Rosa, sharing his own observational experience of hazardous driving by motorists in the area as evidence of the necessity of this signage.

Ms. Flood inquired about the applicant's lease with the property owner. The applicant stated the lease is for five years with a five-year option for renewal.

Mr. Belle stated his belief that all businesses in the Town require sufficient signage no matter what the frequency of clientele visits so he approves of granting this variance.

Ms. Flood moved to grant an area variance for the addition of 12 sq. ft. of signage, allowing 16 sq. ft. total, on the existing freestanding sign at 3606 W. Genesee Street to identify Jackson Hewitt at that location. Mr. Belle seconded the motion and it was unanimously approved.

ADJOURNMENT:

Mr. de la Rosa made a motion to adjourn the meeting at 8:50 p.m. Ms. Flood seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk
Zoning Board of Appeals

A

Allied Sign. See Loeffler Beauty Systems

B

Belle Isle Road #5987

Special Use Permit-Plumbing Business, 4, 11, 19, 23

Beverly Drive #511

Area Variance-Accessory Structure, 35, 39, 44

Blackmore Road #304

Area Variance-Home Addition, 35, 39, 42

Boxcar Lane #3996

Special Use Permit-Billboards, 48, 75

BTHO, Inc.

Area Variance-Parking Space Reduction, 1, 10, 17, 25, 33

C

Cam's Pizzeria. See BTHO, Inc.

Canestrare, Richard

Area Variance-Garage, 40, 44, 49

Celtic Arms. See Stanistreet, Daniel

D

Dann, Steven. See Pacino's Pizzeria

Devoe Road #5882

Amended Special Use Permit-Generator on Site, 75

Duke, William

Special Use Permit-Plumbing Business, 4, 11, 19, 23

E

Eggleston Drive #116

Area Variance-Porch, 67, 73, 78

Elks Club

Special Use Permit-Pavilion, 47, 51, 55

Emmick, Dianne

Area Variance-Porch, 67, 73, 78

F

Fairmount Free Methodist Church

Special Use Permit-Parking Lot Expansion, 3, 11, 18, 25

Flaig, Karen Henderson

Area Variance-Shed, 53, 57, 59

G

Grooms, Charles & Carrie

Area Variance-Home Addition, 35, 39, 42

H

Henderson, Karen. See Flaig, Karen Henderson
Hinsdale Road

Special Use Permit-Church, 14, 21, 27, 31

I

Immanuel Church of the Nazarene

Special Use Permit-Church, 14, 21, 27, 31

J

Jackson Hewitt

Area Variance-Signage, 67, 74, 78

K

Kandon, LLC

Area Variance-Signage, 30, 34, 37, 42

Special Use Permit-Banking in an LBO, 22, 28, 32

Kassis Superior Signs. See Rocklyn, See Jackson Hewitt

Kasson Road #112

Area Variance-Parking Space Reduction, 1, 10, 17, 25, 33

Kelly, James

Area Variance-Garage, 35, 38, 42

L

Lamar Advertising

Special Use Permit-Billboards, 48, 75, 76

Loeffler Beauty Systems

Area Variance-Signage, 76

M

Male Avenue #326

Area Variance-Shed, 14, 21, 23

Mallard Drive #201

Area Variance-Shed, 53, 57, 59

Maroney, Richard

Area Variance-Accessory Structure, 67, 72, 77

Milton Avenue #3688

Special Use Permit-Billboards, 48, 75

Munro Road #5491

Area Variance-Garage, 3, 9

N

Newport Road #5938

Special Use Permit-Home Business, 40, 45, 49

Newport Road #6117

Special Use Permit-Pavilion, 47, 51, 55

O

O'Hara, Brian
 Area Variance-Garage, 3, 9
 Onondaga Road #804
 Special Use Permit-Parking Lot Expansion, 3, 11, 18,
 25

P

Pacino's Pizzeria
 Special Use Permit-Pizza Shop, 47, 52, 57, 61, 64
 Palmer, Reggie
 Special Use Permit-Vehicle Dismantler, 75
 Point Five Development
 Area Variance-Buffer Reduction, Signage Increase, 7,
 11, 20, 26, 31
 Pottery Road #6415
 Special Use Permit-Press Box, 41, 46, 50

Q

Quinones, Gilbert & Marlene
 Area Variance-Shed, 14, 21, 23

R

Raymour & Flanigan. See BTHO, Inc.
 Retzos, Lois
 Interpretation-Allowance of an In-Law Apartment, 58,
 63
 Richlee Drive #2
 Area Variance-Signage, 30, 34, 37, 42
 Special Use Permit-Banking in an LBO, 22, 28, 32
 Ritchey, Rodney
 Area Variance-Pool, 30, 33, 36
 Rocklyn Company
 Area Variance-Signage, 63, 65, 69, 71
 Ruby Road #3203
 Special Use Permit-Vehicle Dismantler, 75

S

Sprint. See Syracuse Utilities
 St. Pierre, Shawn
 Area Variance-Accessory Structure, 35, 39, 44
 Stanistreet, Daniel
 Area Variance-Reduce Apt. Square Footage, 5, 9

Suffolk Road #100
 Area Variance-Garage, 35, 38, 42
 Syracuse Utilities
 Amended Special Use Permit-Generator on Site, 75

T

Tighe, Tim & Lisa
 Special Use Permit-Home Business, 40, 45, 49
 Trotters Ridge Run #100
 Area Variance-Pool, 30, 33, 36

V

Vanida Drive #306
 Interpretation-Allowance of an In-Law Apartment, 58,
 63

W

Walgreens. See Point Five Development
 Warners Road
 Special Use Permit-Church, 14, 21, 27, 31
 Warners Road #3478
 Area Variance-Reduce Apt. Square Footage, 5, 9
 West Genesee Athletic Club
 Special Use Permit-Press Box, 41, 46, 50
 West Genesee Street #3504
 Area Variance-Signage, 76
 West Genesee Street #3508
 Special Use Permit-Pizza Shop, 47, 52, 57, 61, 64
 West Genesee Street #3606
 Area Variance-Signage, 67, 74, 78
 West Genesee Street #4938
 Special Use Permit-Billboards, 48
 West Genesee Street #4938 to #4950
 Special Use Permit-Billboards, 76
 West Genesee Street #4950
 Special Use Permit-Billboards, 48
 West Genesee Street #5300
 Area Variance-Signage, 63, 65, 69, 71
 West Genesee Street #s 5200-5206
 Area Variance-Buffer Reduction, Signage Increase, 7,
 11, 20, 26, 31
 West Genesee Turnpike #2220
 Area Variance-Garage, 40, 44, 49
 WGAC. See West Genesee Athletic Club
 Whedon Road #4439
 Area Variance-Accessory Structure, 67, 72, 77