

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
MINUTES  
JANUARY 6, 2004 7:30pm**

**PRESENT:**

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

Diane Dwire, 5th Ward Councilor  
Roger Pisarek, Planning Board Chairman  
Approximately 4 others

Ron Carr, Esq.

The meeting was called to order at 7:30pm by Chairman Burke with the Pledge of Allegiance. Mr. delaRosa made a motion, seconded by Mr. Kilburg, to waive the reading of the advertisement for tonight's Public Hearings. Motion carried unanimously.

**PUBLIC HEARINGS:**

1. Continued from 12/2/03:  
T-Mobile/Voicestream Communications (Jeffrey Davis, Esq.)  
Camperlino & Fatti Builders, Inc. TM# 021-03-08.3  
5648 Ike Dixon Rd  
Camillus, NY 13031  
Special Use Permit – modify existing Special Use Permit to extend tower,  
add antennas and base equipment

Mr. Burke referred to the Planning Board resolution dated 12/22/03, which found no significant site plan issues. Mr. Davis passed out a revised site plan, dated 12/27/03, which shows the added landscaping suggested by the Planning Board. He also passed out a 5-page computer-generated propagation study. Page 1 depicts the existing coverage, with the Village area and points west not being currently serviced, which is the reason for this application. Page 2 illustrates the resulting coverage with the requested extension at 141'. Page 3 shows the coverage if T-Mobile located on the Ike Dixon tower at the available 88' height, and also co-located on the Devoe Rd tower at approximately 90'. This scenario does increase the coverage out from the Devoe Rd site, but not enough to include the Bennetts Corner area or the Village. Page 4 shows the coverage with the extension to 141' and co-locating on the Devoe Rd tower. Mr. Davis explained that Devoe Rd would be a future site if needed. Page 5 shows the coverage if a new 195' tower was built in the same area as the existing Ike Dixon tower. Mr. Davis acknowledged that a new tower would provide excellent coverage, but he believes does not make sense when an existing tower is available to co-locate on.

He passed out a letter from T-Mobile's Sr. RF Engineer, Mike Crosby, stating which existing towers or other sites were considered and rejected. Mr. Burke mentioned that the Ike Dixon area is not available to build on because of a covenant; and he questioned that this is the only area in the Town on which to build a tower. Mr. Davis stated that it is one of the best areas, because of its proximity to the Village. He further explained that this location would allow them to maximize the connections with their other sites in the area, i.e. proposed co-location sites in Elbridge and Marcellus, and along Route 321 towards Skaneateles. Other sites would be further away from Route 5 and the Thruway.

Mr. Davis explained that T-Mobile is trying to utilize the tower that already exists, instead of building new; and that they believed that to be the Town's preference also, based on the actions of various town boards to encourage co-location and minimize the number of towers. Mr. Burke asked Mr. Davis if anyone had ever stated to him that the Town Board was encouraging this. He said this was based on the actions he has observed at the Planning Board and Zoning Board meetings, not on any policy he has been told. Mr. Burke referred to the letter from Tom Fero, 1st Ward Councilor, which asks the Zoning Board to delay action on this application, because the Town Board is concerned about the over-saturation of cell towers and will be reviewing the Town's current policies. Mr. Davis stated that this application would concur with that concern, since it is not an application for a new tower. Mr. Burke explained that the concern is from an aesthetic perspective in a residential area, and that is one reason the original approval was for a maximum of four(4) antennas on the tower. With current zoning laws adopted in 1995, this tower would not be allowed today on this 100'x100' property.

Mr. Burke stated that T-Mobile still has not really evaluated alternate site locations, except for the Ike Dixon location. Mr. Davis clarified with Mr. Burke that by alternate site evaluation, he meant that to include existing sites for co-location and new tower construction. Mr. Davis reiterated that Devoe Rd is not an option, and that there are no other tall structures in that area to co-locate on that would provide the same coverage. Mr. Burke stated that alternate sites could also include two or three mono-poles at a lower height of 60-80'. He further stated that T-Mobile has not provided any cost comparison of the different scenarios, that he believes the Town Code requires. Mr. Davis stated that he did not think this was necessary; but the cost to extend the tower is about \$30K, and the cost to build new and lease it is about \$100K. Mr. Burke asked Mr. Davis to consider the situation from the perspective of an area homeowner; having one truck service a couple mono-poles every month, or having five or six trucks service one 150' tower every month. The only reason 150' was considered with the original approval, was because separation requirements were greater than.

Mr. Burke stated that the only issue remaining to resolve is whether T-Mobile has satisfied the alternate site analysis requirement. Questions and comments from Board members followed. Mr. Feyl mentioned a possible alternate site on Munro Rd, and how that might tie into their network of other sites including Devoe Rd. Mr. Davis said this would not provide coverage to the Village. Mr. Belle clarified with Mr. Burke that the Town Board intends to act on the cell tower review at their next meeting. Ms. Flood stated that she would favor locating more antennas on one tower, versus having several new towers; but that they should provide more comparison cost analysis. Mr. Burke read Section 1303 of the Town Code, Special Permits, paragraph B, pertaining to public service and utility use; that each site is to be evaluated based on its suitability to provide service, and also its potential detriment to the neighborhood, and that enough evidence should be presented so as to evaluate the alternate sites. Mr. Kilburg stated that the Board should not deviate from their past policy of requiring alternate site evaluation, and that there must be some other sites in the Town. Mr. Borsky mentioned that in Ireland, these towers are camouflaged as trees. Mr. delaRosa stated that the Board is not trying to make it difficult for T-Mobile, but that the Code requires hard evidence on which to base a decision, even though the information may be self-evident. Mr. Davis stated that he believes Section 1303 was written for new towers, not for co-location on an existing structure.

No one spoke in favor or in opposition of granting this Special Use Permit. Roger Pisarek, Planning Board Chairman, asked for clarification on how the propagation study was generated, and its accuracy as to frequency. With no other questions or comments, Mr. Burke stated that he will request the Town Board act quickly on their review. Mr. Feyl made a motion to continue this Public Hearing at the 2/3/04 meeting, and Mr. delaRosa seconded it. Motion carried unanimously.

2. Westvale Golf Course TM# 066-01-03.0  
Gary Hewitt, Thomas Hewitt, Deborah Anthony  
100 Golfview Drive  
Camillus, NY 13031  
Area Variance – reduce front & side yard setbacks, and increase signage

Mr. Burke stated that the Applicant was given a variance 1-1/2 years ago to locate a sign at the same setback that had been granted to the neighboring Emanuel Lutheran Church. Mr. Gary Hewitt explained that they were not able to erect the sign in that location, because three 36" water lines that feed the city of Syracuse were found there. Mr. Burke explained that a variance was given for a 40 sq ft sign. In a residential zoned area as this, a 10 sq ft sign is allowed for non-residential use, with an additional 1' for each 10' of road frontage up to 400', which allows for a 40 sq ft sign. The total property is approximately 100 acres, but the actual road frontage is 60'. Originally, the sign was to be placed on the south side. This application is to place it on the north side of the road instead.

Questions and comments followed from Board members. The Applicant is requesting a 7' variance on the front yard setback, a 13' side yard variance and a 30 sq ft variance to allow for the 40 sq ft sign.

Diane Dwire, 5th Ward Councilor, spoke in favor of granting these variances. With no one speaking in opposition, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

**COMMENTS OF THE PUBLIC:**

At the request of Dr. F. John Sullivan who was present, Mr. Burke explained the procedure of obtaining a zoning variance, beginning with the denial from the Code Enforcement Office.

**COMMENTS OF TOWN OFFICIALS: NONE**

**NEW BUSINESS APPLICATIONS:**

1. Frank Bosco TM# 014.1-06-13.0  
124 Signal Ridge  
Syracuse, NY 13209  
Area Variance – reduce side yard setback to construct 2-car garage

Mr. Burke stated that because this is a corner lot, the side yard setback must equal the front yard setback. The Applicant wishes to build an 18'x25' two-car garage extension onto the existing garage.

Mr. delaRosa made a motion, seconded by Mr. Borsky, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on February 3, 2004 at 7:30pm. Motion carried unanimously.

2. Bohler Engineering, P.C. TM# 047-04-18.0  
Mobil Oil Corp.  
3612 W. Genesee St.  
Syracuse, NY 13219  
Area Variance – increase allowable area of existing sign for pictorial matter(bubbles)

Mr. Burke stated that the Applicant wishes to install pictorial matter on the building, that would exceed the allowable area for a sign, per Section 801G of the Town Code. Ms. Flood made a motion, seconded by Mr. Borsky, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on February 3, 2004 at 7:30pm. Motion carried unanimously.

**MINUTES OF THE PREVIOUS MEETING 12/2/03:**

Mr. Burke made a correction on Page 5, under Comments of the Board, to add 7:30pm after 1st Tuesday of every month. Ms. Flood made a motion, seconded by Mr. Feyl to accept the minutes of the 12/2/03 meeting as corrected. Motion carried unanimously.

**VOUCHERS:**

Melvin & Melvin (legal services)	\$625.00
Eagle Newspapers (advertisement)	\$ 25.28

Mr. Kilburg made a motion, seconded by Mr. Borsky, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE:**

- Building Permits for November 2003, received from Code Enforcement Officer
- Onondaga County Planning Federation, Training on 1/28/04. Discussion followed on who would be attending.

**COMMENTS OF THE BOARD:**

Mr. Burke has been re-appointed as Chairman of the Zoning Board for 2004. Mr. delaRosa made a motion to appoint Mr. Feyl as Vice Chairman for 2004, and Mr. Belle seconded it. Motion carried unanimously.

Board members discussed whether or not the Democratic Primary would create a conflict for the 3/2/04 meeting. It was decided to keep the 3/2/04 meeting as scheduled.

Some discussion followed concerning the T-Mobile application. Board members hope that the Town Board will give some more direction. Mr. Carr stated that the way the law is written, there is confusion as to how it should be applied to co-location. He stated that alternate site evaluation should be considered, notwithstanding the ability to co-locate on an existing site. Mr. Feyl mentioned that by locating on Ike Dixon hill, they would also increase their coverage into the Town of Elbridge, which has a moratorium on towers. Mr. Carr explained that Towns can regulate these towers, but cannot prohibit them. The network of these towers is considered, which goes beyond the benefit to the local area.

**DECISIONS:**

1. Westvale Golf Course TM# 066-01-03.0  
Gary Hewitt, Thomas Hewitt, Deborah Anthony  
100 Golfview Drive  
Camillus, NY 13031  
Area Variance – reduce front & side yard setbacks, and increase signage

With no questions or comments from Board members, Mr. Burke asked for a motion. Mr. Belle made a motion to grant a 7' variance on the front yard setback, a 13' side yard variance and a 30 sq ft variance to allow for the 40 sq ft sign. Mr. Kilburg seconded the motion. Motion carried unanimously.

Mr. delaRosa made a motion to adjourn the meeting at 9:15pm, seconded by Mr. Feyl. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals



setback. Depending on what changes are made to the proposal, the Applicant may need a variance for the rear yard setback. Ms. Flood mentioned that there is a row of trees along the rear of the property to the east, so that neighbor's sight line would not be greatly affected.

Mr. delaRosa made a motion to continue this Public Hearing at the next meeting on March 2, 2004 at 7:30pm. Ms. Flood seconded it. Motion carried unanimously.

2. Bohler Engineering, P.C.  
Mobil Oil Corp. TM# 047-04-18.0  
3612 W. Genesee St.  
Syracuse, NY 13219  
Area Variance – increase allowable area of existing sign for pictorial  
matter(bubbles)

Jim Gillespie, of Bohler Engineering, referred Board members to the pictures of the proposed signage. There is no change in the building's footprint. The Entrance & Exit signage is allowed, and the change in text on the existing sign from 'Car Wash' to Mobil Wash' has been approved. The Applicant is requesting a variance to add the bubbles to the sign, because the Code Enforcement Officer has considered the bubbles as part of the total signage; and therefore above the allowable square footage. Mr. Burke referred to Section 801G of the Town Code, which defines any picture as a sign; and he stated that the Code Enforcement Officer has interpreted this literally. He added that the Board dealt with a similar situation before for a convenience store, and discussed at length what constituted a sign, and what could be considered a mural. He explained that when painting is used to beautify wood or concrete, and increases the building's aesthetic appearance, it could be interpreted to be part of the building finish, and not a sign.

Questions and comments from Board members followed. Mr. delaRosa mentioned that if the bubbles were considered to be signage and the sign was approved; the content of the sign is not regulated, and therefore could change in the future. Mr. Gillespie asked if it could be stated as a condition of approval not to change the content. Mr. Burke asked Attorney Carr if the bubbles portion of the sign was interpreted as a mural, could Mobil change the content. Mr. Carr explained that a sign is usually understood to have a communicative intent. Except for the side which has the 'Mobil Wash' on it, the other sides of the building would only show the bubbles. Mr. Burke acknowledged that the Code was written to allow the Code Enforcement Officer to have some discretion in deciding what was a sign. Mr. Carr agreed that the Board could grant a variance, and restrict what the content would be. Mr. Borsky clarified that the bubbles would extend all the way around the building. Mr. Kilburg suggested that were this proposed signage the original signage, it would be approved today based on its aesthetic appearance. Ms. Flood and Mr. Belle both stated that the bubbles should be considered a sign, because they communicate that it is a car wash. Mr. Feyl stated that he would consider the bubbles to be part of the building's fascia, uniquely decorative, and not a sign.

No one spoke in favor or in opposition of the variance. Mr. Gillespie added that the bubbles were intended to be a subtle, creative way of promoting the car wash, and add to the building's appearance. Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

3. Continued from 1/6/04:  
T-Mobile/Voicestream Communications (Jeffrey Davis, Esq.)  
Camperlino & Fatti Builders, Inc. TM# 021-03-08.3  
5648 Ike Dixon Rd  
Camillus, NY 13031

Special Use Permit – modify existing Special Use Permit to extend tower,  
add antennas and base equipment

Mr. Burke explained that this Public Hearing was continued from the last meeting, because the Board did not feel that the Applicant had presented enough information on alternate site analysis. He referred to the report dated 1/30/04 from T-Mobile, which details alternate site scenarios.

Jeff Davis, attorney with Hiscock & Barclay, representing T-Mobile, spoke along with Mike Crosby, Senior RF Engineer with T-Mobile. Mr. Davis presented the report. The first few pages outline the progress to date, including the agreed upon site plan change to locate their equipment inside the fence, and increased landscaping. He then explained each exhibit, or propagation study, as follows.

- 1) T-Mobile's existing network in the Town; antennas located at 180' on tower off Route 173, at 140' on tower at JPJ Electronics on Van Buren Road, at 70' on Camillus water tank, and at 150' on tower off Route 175.
- 2) All currently proposed sites in the Town operating, along with Marcellus, Skaneateles(Route 321) and Elbridge sites, with exception of tower in question off Ike Dixon Road(Camillus West). All are co-location sites. He identified the area from Bennetts Corner along Route 5, including the Village, as the coverage area to be gained by locating at Camillus West.
- 3) Computer-generated Search Area map dated 9/20/02, which identifies the ideal location for a cell tower, in order to accomplish coverage to the objective area.
- 4) Proposed extension to 141' at Camillus West tower, which would meet all coverage objectives.
- 5) No extension on Camillus West tower, co-location at 88', would be 5th antenna on tower, 12' under existing antenna. Coverage shown does not substantially increase in objective area, so additional sites would be required. Cost would be \$30K; the tower owner would pay for the extension to 141'. Mr. Crosby explained that the general separation requirement is now 10', depending on the carrier. The current antennas on the tower are located at 100', 110', 120', and 130'. According to the tower owner, 88' is the highest available height. Tower extensions come in 10' sections.
- 6) No 10' extension on Camillus West tower, co-location at 88'; plus co-location at 90' on Devoe Rd tower which is a mono-pole and cannot be extended. Coverage is somewhat better to the Village, but still missing coverage along Routes 5 & 174, and to the north. Cost would be double, \$60K construction plus double monthly operational costs.
- 7) 88' co-location on Camillus West tower, plus co-location at 90' on 110' tower at East Hill ski area(Parsons Crown). Mr. Davis explained that the general distance between T-Mobile sites is 3-4 miles, and this East Hill site is only ¾ mile from the Camillus water tank site. This would be redundant, and there would be technical issues to consider locating so close to another site. There would be no significant coverage gain to the west. Construction costs would be \$60K, with monthly operational costs doubled and increased by \$500 because the East Hill site is located on town property.
- 8) No location on Camillus West tower, only co-location at Devoe Road and Parsons Crown. This shows huge coverage gap in objective area. Construction costs would be \$60K, with double monthly operational costs plus the \$500.
- 9) Three co-locations, at 88' on Camillus West, and the Devoe Road and Parsons Crown sites. Coverage shown is still inadequate along Routes 5 & 174, and less than what the proposed extension would provide. Construction costs would be \$90K, with triple monthly operational costs. Mr. Davis added that it would never make sense economically to co-locate at Parsons Crown due to its close proximity to the water tank site.
- 10) Topographical map of the area showing the proposed Ike Dixon(Camillus West) site at 842' elevation, which is the highest in the selected area to be covered. Mr. Davis explained

that by building on a hill, towers do not have to be as tall as 200-250' to get the same coverage. Mr. Feyl mentioned an area along Frank Gay Road which is 1000' elevation. 11) New tower at 845' elevation near Tuscarora Golf Course, and co-location at 88' at Camillus West site. Mr. Davis explained that going south, it would be farther away from the objective area, along and north of Route 5 and in the Village, and does not provide any better coverage. The cost to build new tower at 195' would be \$140K, plus \$10K for the survey, with comparable monthly costs. He explained that the varying elevations, over valleys and hills, hinders transmission. Mr. Crosby explained that a site along Frank Gay Road at 1000' elevation would not work; because of the terrain, the wavelength is short and does not go down and then up again. Line of sight is required from the antenna to the end user. The computer accounts for obstructions when doing the propagation studies. Mr. Davis stated that to build a new tower at any height, costs mostly vary by how much steel is used. Total cost would be \$150K for new tower, plus \$30K for co-location.

12) Build two(2) 60' towers, one near Ike Dixon Road and Route 5, and one in the Village at Newport Road and Genesee Street. Coverage would be adequate in the Village and along portion of Route 5, but not along Route 174, or to the north of 5. Cost to build would be \$115Kx2, plus \$20K for surveys, etc., and double the monthly costs.

Mr. Davis reiterated the reasons for the proposed 10' extension on the Ike Dixon tower; much less cost at \$30K, and provides adequate and reliable coverage to the objective area, while using the existing infrastructure instead of building new at a much higher cost.

Questions and comments from Board members followed. The general concensus was that enough documentation has now been given on alternate sites. Mr. Davis detailed what T-Mobile has planned for added landscaping. Mr. Crosby stated that T-Mobile has 13 million customers presently, and has identified sites through 2004-2005. Mr. Davis added that with the proposed site, the majority of the Town's population will be served. Mr. Burke stated his concern that this site is becoming saturated, and is located in an area targeted for residential growth. Mr. Crosby added that there is usually more opposition to new towers from neighbors. It was noted that there was no one present at the Public Hearing to object.

Mr. Burke stated that the original approval was for a 120' tower with four antennas, to go to maximum 150', on a 100'x100' lot in an R-3 zone. Since then there have been three Public Hearings, each one modifying antenna locations, with the resulting 130' tower today. If the tower was built today, it would need a 25' buffer zone as well as the original 10' setback, because it is a non-residential use in a residential district. He noted that he has received no written objections from neighbors to the proposal, and other alternatives would create more disruption for town residents, i.e. new access roads built for new towers. He stated his belief that any approval for modifying this Special Use Permit should be granted with conditions to limit any additional equipment on this site, unless the property is expanded to provide more of a buffer zone.

Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

## **COMMENTS OF THE PUBLIC: NONE**

## **COMMENTS OF TOWN OFFICIALS: NONE**

### **NEW BUSINESS**

#### **APPLICATIONS:**

1. Syracuse Signage  
Marshalls TM# 048-01-01.1  
Fairmount Fair, W. Genesee St.  
Syracuse, NY 13219

Area Variance – increase allowable square footage to install sign on east side of the building

The Applicant wishes to install a sign on the east side of the building. Mr. Burke stated that the Code Enforcement Officer has given permission to install a sign on the east wall. He explained that according to Town Code, Section 809B-3, signage may only be installed on a “demising” wall of a building, that with a public entrance. Mr. Burke asked Mr. Carr if the Board should accept the Code Officer’s interpretation. Mr. Carr stated that the Board may consider this interpretation during the application process. The Applicant’s request is for a variance on square footage, not a variance for permission to install the sign. The Code Officer determined that since the total square footage allowed for the north demising wall is not being used (figured as 1 sq ft per lineal foot), then the remaining can be used on the side wall. In this case, an additional 112 sq ft is being requested.

Ms. Flood made a motion, seconded by Mr. Kilburg, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on March 2, 2004 at 7:30pm. Motion carried unanimously.

2. Total Identity Group (Sherry Finzor)  
M&T Bank TM# 056-03-05  
3701 W. Genesee St.  
Syracuse, NY 13219  
Area Variance – install 8 traffic control signs

The Applicant is requesting a variance to install all new directional signage, which would exceed what is allowed. Mr. Borsky made a motion, seconded by Mr. Kilburg, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on March 2, 2004 at 7:30pm. Motion carried unanimously.

**MINUTES OF THE PREVIOUS MEETING 1/6/04:**

Mr. delaRosa made a motion, seconded by Mr. Feyl to accept the minutes of the 1/6/04 meeting as submitted. Motion carried unanimously.

**VOUCHERS:**

OCPF Training Session (fees)	\$210.00
Melvin & Melvin (legal services)	\$500.00
Eagle Newspapers (advertisement)	\$ 26.07

Mr. Kilburg made a motion, seconded by Mr. delaRosa, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE:**

- Building Permits for December 2003, received from Code Enforcement Officer
- Town Topics (note pg 11 regarding meetings)

**COMMENTS OF THE BOARD:**

Mr. Borsky mentioned that he liked the idea of other towns that notify neighbors of public hearings by putting a sign on the respective property. Mr. Burke stated that this requires local legislation to do, and the Town Board has been requested to enact local notification in the past, and did not.

**DECISIONS:**

1. T-Mobile/Voicestream Communications (Jeffrey Davis, Esq.)  
 Camperlino & Fatti Builders, Inc. TM# 021-03-08.3  
 5648 Ike Dixon Rd  
 Camillus, NY 13031  
 Special Use Permit – modify existing Special Use Permit to extend tower,  
 add antennas and base equipment

Mr. Burke stated that the SEQR II negative declaration draft dated 12/2/03 will need to have the date changed, and he read from it. T-Mobile’s request is to modify the existing Special Use Permit issued to Cellular One on 7/9/97. Mr. Kilburg made a motion to accept this negative declaration, and Mr. delaRosa seconded it. Motion carried unanimously.

Discussion followed on the Applicant’s request to revise the Special Use Permit. Mr. Feyl mentioned that due to security concerns, the landscaping will most likely have to be removed in the future, so no restrictions should be placed on fencing and landscaping. Mr. Burke stated that the Board should include the Planning Board’s recommendation for PVC fencing as a condition of approval. Board members concurred that the Applicant has now provided sufficient information to base a decision on. Mr. Burke added that the Board could deny approval to modify, based on the original approval was for four(4) antennas; and with the 10’ extension, there would be room for 1 or 2 more providers to locate. He further stated that he would like the motion to require that more land be bought to increase the 100’x100’ property, before any additional antennas would be installed (beyond this fifth antenna). Further discussion followed on this suggestion. There was no buffering required at the time of the original Special Use Permit. At Mr. Burke’s request, Mr. Carr agreed that such a condition could be placed on the approval to modify the Special Use Permit, if it was determined that the original designated area was over-burdened. Mr. Feyl stated that if the tower property’s footprint did not change, that would deter additional providers wanting to co-locate; and technology could change to the point that even more providers could locate if antennas and towers were smaller.

Mr. Feyl made a motion to revise the existing Special Use Permit to allow for the 10’ extension, with no restrictions on fencing, and the landscaping remain as is. Mr. Kilburg seconded it. At Mr. Burke’s request, Mr. Carr explained that the Special Use Permit can only be modified relative to the 10’ extension. The other buffering/landscaping requirements are in effect now, even though they have not been enforced. Mr. Burke asked that the Planning Board’s recommendation for green PVC fencing upon replacement be included. Motion did not carry unanimously. The Board was polled with the following results.

Feyl	Yes
Belle	Yes
Flood	Yes
Burke	No
Kilburg	Yes
Borsky	Yes
delaRosa	Yes

Motion passed, with 6 Yes votes, and 1 No Vote.

2. Bohler Engineering, P.C.  
 Mobil Oil Corp. TM# 047-04-18.0  
 3612 W. Genesee St.  
 Syracuse, NY 13219  
 Area Variance – increase allowable area of existing sign for pictorial  
 matter(bubbles)

Mr. Burke stated that the total proposed sign is 336 sq ft. The Code Officer issued a permit for the 'Mobil Wash' portion of the sign. Mr. Carr questioned if the variance should be for increased area, and also because it would be on all four sides of the building. Mr. Burke suggested that with approving the bubbles, the Board stipulate it does not agree that the bubbles are signage, that they are part of the building's facade and are a mural. If a large variance were given for square footage, it would set a precedent for future requests. Discussion followed.

Mr. Feyl made a motion to interpret that the bubbles are not a sign, and is part of the decorative fascia on the building. Mr. Belle seconded it. Mr. Burke stated that the Town Code's sign regulations were intended to be strict, but to allow for the Code Officer to interpret each situation. Mr. Carr added that maybe the Code should include a condition that any pictorial matter be within the context of the total sign. Mr. Burke amended the motion to add that the bubbles are being approved, as depicted on the drawing. Motion as amended carried unanimously.

Ms. Flood made a motion to adjourn the meeting at 10:20pm, seconded by Mr. Feyl. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
MINUTES  
MARCH 2, 2004 7:30pm**

**PRESENT:**

George Burke, Chairman	Diane Dwire, 5th Ward Councilor
Bob Feyl, Vice Chairman	Tom Price, Code Enforcement Officer
Ron Belle	Approximately 2 others
Joy Flood	
Joe Kilburg	
Rich delaRosa	Ron Carr, Esq.

**ABSENT:**

Don Borsky

The meeting was called to order at 7:30pm by Chairman Burke with the Pledge of Allegiance. Mr. delaRosa made a motion, seconded by Mr. Kilburg, to waive the reading of the advertisement for tonight's Public Hearings. Motion carried unanimously.

**PUBLIC HEARINGS:**

1. Continued from 2/3/04:  
Frank Bosco TM# 014.1-06-13.0  
124 Signal Ridge  
Syracuse, NY 13209  
Area Variance – reduce side yard setback to construct 2-car garage

In the absence of Mr. Bosco, Mr. Burke stated the Applicant has requested that the Public Hearing be continued as he has not been able to explore other options due to the weather.

Ms. Flood made a motion to continue this Public Hearing at the next meeting on March 30, 2004 at 7:30pm. Mr. Kilburg seconded it. Motion carried unanimously.

2. Syracuse Signage  
Marshalls TM# 048-01-01.1  
Fairmount Fair, W. Genesee St.  
Syracuse, NY 13219  
Area Variance – increase allowable square footage to install sign on east side of the building

With no one present to represent Marshalls, Mr. Burke opened the Public Hearing and referred to the letter from Tom Price, Code Enforcement Officer, which explains that he interpreted the Code to not explicitly exclude a sign on any wall other than the demising wall which has a public entrance. Mr. Burke stated that he disagrees with that interpretation, and understands the Code to only allow a sign on a wall with a public entrance.

Questions and comments followed on how to interpret the sign code, Section 809-B2. Mr. Burke stated that demising refers to only the wall that a business leases in a shopping center, not the whole building. He further explained that the Code Enforcement Officer's interpretation would determine the square footage allowed based on how many lineal feet the public entrance wall is, and would allow for the signage to be placed on any wall. Mr. Feyl pointed out that there is parking on both sides of the store, and most of the traffic is on the east

side which faces Wegmans. In reply to Mr. Belle's question, Mr. Carr stated that he believes this sign code section was intended for a mall situation and buildings of at least 35,000 sq ft, where a store had a public entrance on more than one wall, and the signage allowed for those walls would be based on the lineal feet of each.

Mr. Burke added that this same variance was requested by the previous tenant, Ames, about 15 years ago; and it was denied because there is no public entrance on the east side. There was a blanket variance granted for the Home Depot Plaza stores, to put signage on the side facing Route 5, even though there are no public entrances on that side. Mr. Carr clarified that Wal Mart was granted a variance to place a sign on the northern wall, which has no public entrance. Mr. Burke stated this was approved for identification purposes, because the public entrance side did not face a highway. Mr. Price explained that he interpreted the sign code, to determine who can have a sign, and how big it can be; but not where it can be located or how many. Mr. Carr noted that this interpretation gives an advantage to a corner store that has more than one wall. Mr. Burke stated that the Board can interpret the Code as not allowing for a sign on the east side because there is no public entrance, and grant a variance to do so based on the amount of traffic on that side.

Mr. Price stated that he based the allowable sign square footage on the public entrance side wall only, which is 211 lineal feet; the existing sign is 194 sq ft, so only 17 sq ft allowable remains. The proposed sign is 129 sq ft. He added that Marshalls does not lease the space extending all the way to the east wall. Mr. Burke expressed concern if another store were to locate in that space, and want a sign. He asked Mr. Carr to request that Marshalls prove they have a lease on that space, and permission from the building owner; and that no other store would in the future want to put their sign on that same wall.

Mr. Burke asked for a motion to continue the Public Hearing at the next meeting on 3/30/04. He requested that Mr. Carr write a letter to Marshalls notifying them of the continuance. Mr. Belle made the motion to continue, and Ms. Flood seconded it.

3. Total Identity Group (Ralph Baranes)  
M&T Bank TM# 056-03-05  
3701 W. Genesee St.  
Syracuse, NY 13219  
Area Variance – install 8 traffic control signs

Ralph Baranes, Total Identity Group; and Mike Himan, M&T Bank, were present. Mr. Baranes explained that by installing these signs, they hope to make the traffic flow smoother on the property, and so their customers will not have to guess where to go for a specific service. Mr. Baranes presented in detail a layout of the property, with each sign in its proposed location. Two signs will be removed and not replaced, eliminating 16 sq ft of signage, one being the M&T sign at the corner of W. Genesee Street and Onondaga Road. Only "ENTER" signs E6, E7 and E17 will contain the "M&T BANK" name. One of the proposed signs(E17) to be added is at the W. Genesee Street entrance and will say Enter on both sides. Mr. Burke expressed concern with this sign; because it is intended for westbound traffic, people would be encouraged to turn left in an illegal turning area to enter. He believes that because of the divider island and solid yellow line, it is considered illegal to turn left there. Mr. Baranes suggested that the sign could be changed to only single-sided, with Enter on the side for eastbound traffic, and the other side blank for westbound. Discussion followed on whether or not a left-hand turn from westbound traffic at this entrance would be illegal. It was noted that many people now turn left into the bank and several other businesses along West Genesee Street going eastbound, where there is also a solid yellow line and divider island. Mr. Belle stated that you are allowed to cross a solid yellow line to turn into your own driveway, and questioned why it would be illegal to do the same to turn into a business. Mr. Burke stated

that the site plan approval for the Merchants Bank across from Camillus Plaza made it illegal to turn left there. Mr. Feyl stated that most people would not know to turn left on Onondaga Road, and then right on Chapel Drive to get to the bank.

The other proposed signs are as follows.

E18: direct traffic flow to the drive-thru.

E3: double-sided sign to replace existing sign, with some additional lettering to direct traffic to the drive-thru ATM and teller, lobby ATM, and parking.

E4: double-sided sign with same information as E3, only in reverse order, because it would be placed just ahead of E3. The back side would only direct traffic to the drive-thru ATM and teller.

E19: new sign, with STOP on one side, and Do Not Enter on the other, to be placed at the drive-thru exit.

E5: STOP sign, parallel to E19, on the opposite side at the drive-thru exit.

E6 & E7 M&T Bank Enter signs, to be placed at both Chapel Drive entrances.

Questions and comments followed from Board members. Mr. Burke questioned whether STOP signs should be placed at the two Chapel Drive entrances, for any one exiting. Mr. Baranes agreed that these may be helpful, to avoid any accident with cars on Chapel Drive. Ms. Flood stated that most people enter and exit both at either Chapel Drive or West Genesee Street, and do not drive all the way around. She suggested adding a STOP sign, facing east, for cars exiting onto West Genesee Street, because there are also cars entering at that same point. At Mr. Kilburg's request, Mr. Burke clarified that the E3 sign is listed as needing a 5 sq ft variance, because the existing sign it is replacing is non-conforming, and that any sign over 3 sq ft requires a variance. The base of the signs will be aluminum posts. Mr. delaRosa suggested that M&T check with state law enforcement on whether or not the left-hand turn from West Genesee going westbound is legal. Mr. Himan agreed, and the bank will not put Enter on the E17 sign facing east if there is any question; and would even put "no left turn" on the sign if necessary. He stated that the town and state have projects earmarked for the Onondaga Road/West Genesee Street intersection, and the bank would also not do anything to interfere with that. He further stated that if a left turn is illegal, the bank would probably still put Entrance on the sign, but not Enter. Mr. Burke stated that he considers the proposed signage as directional, and not strictly advertising.

Discussion followed on the possibility of approving the other 7 signs, and continue the Public Hearing on the E17 sign until more information is available. At the Board's request, Mr. Carr stated that he questions the liability issue, and thinks that the county would have just as much liability for approving the curb cut in that location. He feels that the elevated portion of the pavement is there to funnel traffic into the left turn lane for Onondaga Road, and was not meant to be a median, which would prohibit crossing over it to make a left-hand turn. He also stated that if a left turn from West Genesee Street was prohibited, it would also be prohibited to turn left onto West Genesee. He agreed that the Board could take action on the other signs, and table any action on this sign until the next meeting.

Tom Price, Code Enforcement Officer, stated that to make it clear, any variance should be issued for any sign greater than 3 sq ft, with the difference in square feet detailed; and it should be noted that the entrance signs with M&T on them are considered directional in nature, and not advertising.

Mr. Carr stated that the Town Code, Section 805B, does not regulate the number of directional signs for a specific property; that is left to the discretion of the Code Enforcement Officer. The Board can only regulate the size, and no permit is needed. He suggested that the Board could approve the size variances, and stipulate a condition on the E17 approval relative to the left turn issue, that the bank would not install any sign that would encourage an illegal turn.



Eagle Newspapers (advertisement)

\$ 25.28

Mr. delaRosa made a motion, seconded by Mr. Kilburg, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE:**

- Building Permits for January 2004, received from Code Enforcement Officer
- Revised Town Code dated as of 3/2/04, copy to each Board member

**COMMENTS OF THE BOARD:**

Mr. Burke confirmed that every Board member will be able to attend the 3/30/04 meeting. Ms. Flood asked if Board members should have a copy of the entire Town Code. Mr. Burke stated that over the years, it was decided that it was not necessary. He asked Diane Dwire, 5th Ward Councilor, to look into getting the Board updated Town maps.

**DECISIONS:**

1. Total Identity Group (Ralph Baranes)  
M&T Bank TM# 056-03-05  
3701 W. Genesee St.  
Syracuse, NY 13219  
Area Variance – install 8 traffic control signs

Mr. Burke made a motion to grant an Area Variance for the 8 signs as submitted for size variances; 4 signs for a 5.3 sq ft variance each, 3 signs for a 2 sq ft variance each, and 1 sign for a 1.7 sq ft variance. He reiterated the concern with the E17 sign, which the bank will address. Mr. Feyl seconded the motion. Motion carried unanimously.

Ms. Flood made a motion to adjourn the meeting at 9:45pm, seconded by Mr. Kilburg. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals



on the east side of the building for more exposure along West Genesee Street coming from the east, and because of the parking lot on the east side of the building, and also that Wegmans and other businesses are located just east of Marshalls.

Mr. Burke stated that the east wall of the building is not demising to Marshalls, and Mr. Hubeny confirmed that there is a possibility of another business leasing the 2000 sq ft that is available along the east wall of Marshalls. Mr. Burke added that the Board interprets the Code as only to allow signage on a demising wall with a direct public entrance. He expressed concern that if another store did locate in the 2000 sq ft, they would want their signage on the east side, too. If a variance is granted to Marshalls for the sign, Mr. Burke stated that the Board would want a letter from the landlord stating that no other signs would be installed. He explained that there was a general variance granted for the signage on the rear of the Home Depot plaza stores, because the principal flow of traffic in the Town is along Route 695.

Questions and comments followed from Board members. No one spoke in favor or in opposition of the variance. Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

3. Karl Johnson Estate  
c/o Robert J. Allan, Esq. TM# 006-01-04  
Breed Road, east side, vacant parcel  
Camillus, NY 13031  
Area Variance – reduce 3 of 4 lots from 150' to 125' frontage

Robert Allan, Esq. and David Simmons, Land Development Manager for Gallinger Real Estate were present to speak on behalf of the Applicant. Mr. Allan passed out copies of a new map showing the proposed lots with elevations. The Applicant is requesting an Area Variance to reduce the front yard width on 3 of the 4 lots, Lots 2-3-4 from 150' to 131.75'. Mr. Allan stated that the total frontage is more than 600', but some of the land which would be Lot 1 is in dispute with the neighbor to the north. By reducing Lots 2-3-4 to 131.75', Lot 1 would be approximately 250' wide, with 131.62' not disputed, and the remaining 126.07' in dispute.

The Applicant has owned the property since 1950, and paid taxes on what has been listed as 653' frontage along the road, which would include the disputed land. The survey done for the Applicant measured from the southwesterly corner, and determined that there was not enough land to account for the 4 lots with 150' frontage each. The neighbor's survey was measured from Canal Road. Mr. Allan showed on the map that the line of occupation is close to what the Applicant's survey shows as theirs, and that the neighbor, Richard Kalenak, visually agrees when he walks the land. Mr. Kalenak's deed shows that he has approximately 340' frontage measured from his neighbor to the north, which includes the disputed land. Since the Applicant only needs 600 of the 653', they offered to deed 53' to Mr. Kalenak, but he will not accept that unless he can be guaranteed his 340' frontage. Mr. Allan stated that they spent months trying to resolve the dispute with the neighbor, and concluded that the best way to market the lots would be to reduce the frontage, since the lots are very deep. He pointed out that their only recourse, if the Area Variance is not granted, would be to go to court to resolve the dispute.

Mr. Burke stated that the problem in granting the Area Variance, is that by reducing the frontage from 150', the resulting non-conforming lots would be in violation of Section 1104, which states that any one owner of non-conforming lots must merge them into legally conforming. At Mr. Allan's request, Mr. Carr stated his opinion that the merger clause refers to any pre-existing legally non-conforming lots that were not separately owned, and that these lots were not. He further stated that a variance would legitimize the legal non-conformity, and the merger clause would not apply, to which Mr. Allan agreed. Mr. Burke added that Section

1104 states "if the lots are in common ownership", and if a variance is granted, that Section should be addressed.

Questions and comments from Board members followed. Mr. Feyl expressed his concern, especially with Lots 1&2, that the driveways have very poor sight lines, and that by reducing the frontage, the driveways will be closer together on a very steep hill. Mr. Simmons pointed out that the Highway Dept. and the Planning Board have approved all the driveway curb cuts, and that the Lot 1 curb cut will actually be at the most southerly position. He further stated that by moving the lots south, the sight lines would improve. He agreed that if required, the 15' hill could be removed, and that the Lot 2 driveway could be moved further south. Mr. Feyl also questioned that the 1.3 acre proposed lots would be in conformity with the neighborhood, since the surrounding lots are at a minimum 2-3 acres. Mr. Allan stated that the lots would not exceed the density allowed by the R-1 zoning, since they would be over the required 1 acre. They would not consider creating less lots with wider frontage for each. He clarified that Lot 1 would be sold as 250' frontage, and that the dispute would likely be settled in the future when ownership of Mr. Kalenak's property might change.

There are 8 other landowners north of the Kalenak property, whose lots could all potentially be in dispute. According to Mr. Allan, the surveyor plotted out approximately 2300' from Mr. Kalenak's southwest line going north to Canal Road. The frontages of the lots in between total more than 2300'. To address Mr. Borsky's concern whether the Town could be held liable if a variance was granted, Mr. Carr said he did not think so. Some discussion followed on from what points these lots were originally plotted out, i.e. fences, stone markers, etc., and the accuracy thereof.

Mr. Burke addressed the primary concern of whether or not Breed Road is to become a feeder street, which would increase the traffic. He attended a Planning Board hearing on a nearby subdivision along Breed Road, where the developer reduced the sideyard setbacks due to that possibility. The Planning Board has this under consideration, and has made no recommendation yet.

No one spoke in favor or in opposition of the variance. Mark Pigula, Town Highway Supt., did state that he spent a great deal of time determining sight distances for the lots; and he would need to re-inspect that if the lot lines are changed. The biggest problem would be with Lots 2&3. In answer to Mr. Feyl's question, Mr. Simmons stated that the County has approved all the perc tests. The building line setback is 50'; and Mr. Simmons estimated that the Lot 1 house would be approximately 140' off Breed Road. NYS DEC has approved the erosion study.

With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

4. Continued from 3/2/04:

Frank Bosco

TM# 014.1-06-13.0

124 Signal Ridge

Syracuse, NY 13209

Area Variance – reduce side yard setback to construct 2-car garage

Mr. Bosco did not attend the meeting. Mr. Feyl made a motion, seconded by Mr. Borsky, to continue this Public Hearing at the next meeting on April 19, 2004 at 7:30pm.

**COMMENTS OF THE PUBLIC: NONE**

**COMMENTS OF TOWN OFFICIALS: NONE**

**NEW BUSINESS** – Mr. Burke suggested that in light of the six applications that have been received for next month, the Board should consider having a special meeting to divide the

applications between two meetings. It was decided to have a special meeting on 4/19/04 at 7:30pm, and then the regularly scheduled meeting on 5/4/04.

**APPLICATIONS:**

1. Alfonsina Savage TM# 047.07-04.0  
104 Olin Drive  
Syracuse, NY 13219  
Area Variance – side yard setback for attached garage

The Applicant is requesting a 3' variance on the total side yard setback to build a 15'x26' attached garage. Ms. Flood made a motion, seconded by Mr. Feyl, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on April 19, 2004 at 7:30pm. Motion carried unanimously.

2. Antonio Balestra TM# 065-04-07.1  
5415-C W. Genesee St.  
Camillus, NY 13031  
Special Use Permit – beauty salon in L.B.O. district

The Applicant is requesting a Special Use Permit for an appearance enhancement service (beauty salon) in an L.B.O. district. Mr. Belle made a motion, seconded by Mr. Feyl, to declare this a SEQR Type II action, with referral to the Planning Board, and hold a Public Hearing on May 4, 2004 at 7:30pm. Motion carried unanimously.

3. James Shope TM# 062-01-50.0  
502 Emann Drive  
Camillus, NY 13031  
Area Variance – accessory building in front of rear building line

The Applicant is requesting a variance to place an accessory building in the side yard, with the front of the building approximately 45' in front of the rear building line of the house. Mr. Belle made a motion, seconded by Mr. Feyl, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on April 19, 2004 at 7:30pm. Motion carried unanimously.

4. Chris Jones & Sandy Renaud Jones TM# 052-06-05.0  
101 Old Semet Lane  
Syracuse, NY 13219  
Area Variance – front yard setback for proposed addition

The Applicant is requesting a variance on the front yard setback to build an addition onto the house. Because this is a corner lot, the addition would be located approximately 18' past the building line into what is the neighboring front yard. Mr. Borsky made a motion, seconded by Mr. Feyl, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on May 4, 2004 at 7:30pm. Motion carried unanimously.

5. T.D.K. Engineering Associates, P.C. TM# 17.00-5-01  
Mahoney Properties, LLC  
Bennett Road & Milton Avenue – proposed self-storage facility  
Camillus, NY 13031  
Area Variance – reduce required number of parking spaces

The Applicant is requesting a variance to reduce the number of required parking spaces from 124 to 34. Mr. Burke made a motion, seconded by Mr. Borsky, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on April 19, 2004 at 7:30pm. Motion carried unanimously.

6. Eric Danes, IMS Group TM# 057-01-02.0  
4927 W. Genesee Street  
Camillus, NY 13031  
Area Variance – reduce front yard setback & increase height of sign

The Applicant is requesting a variance to place a sign in the front yard, 5' from the street property line, and at an increased height of 9'. Mr. Belle made a motion, seconded by Mr. Kilburg, to declare this a SEQR Type II action, with no referrals, and hold a Public Hearing on May 4, 2004 at 7:30pm. Motion carried unanimously.

**MINUTES OF THE PREVIOUS MEETING 3/2/04:**

Ms. Flood made a motion, seconded by Mr. Kilburg to accept the minutes of the 3/2/04 meeting as submitted. Motion carried unanimously.

**VOUCHERS:**

Melvin & Melvin (legal services)	\$ 725.00
Eagle Newspapers (advertisement)	\$ 24.49

Mr. Kilburg made a motion, seconded by Mr. Feyl, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE:**

- Building Permits for February 2004, received from Code Enforcement Officer
- Syracuse FOCUS Group, luncheon at OnCenter 4/23/04
- New York GIS, seminar in October
- Syracuse Metropolitan Transportation Council

**COMMENTS OF THE BOARD: NONE**

**DECISIONS:**

1. Karl Johnson Estate  
c/o Robert J. Allan, Esq. TM# 006-01-04  
Breed Road, east side, vacant parcel  
Camillus, NY 13031  
Area Variance – reduce 3 of 4 lots from 150' to 125' frontage

Mr. Burke expressed his concern that if the Board grants a dimensional variance on the lots for the road frontage, then the merger clause in Section 1104 also needs to be addressed, so it does not become an issue in the future. He stated that the issue is not lot size, since the lots do meet the minimum required lot size for R-1 zoning. The major issue is with the driveways and sight line problems, and also the houses being built closer together on lots with reduced frontage.

Mr. Feyl stated that the Planning Board has asked John Szech, who is also developing lots in this area, to increase the side yard setback to 75', in light of Breed Road becoming a

feeder street, which he agreed to do. He further stated that any variance granted should include this same requirement, to keep the building along Breed Road uniform. He believes the number of lots allowed on this parcel should be limited to three because of the driveway curb cuts creating a safety issue.

Discussion followed on whether or not the Board can grant a variance that, in essence, creates legally non-conforming lots. At Mr. Belle's request, Mr. Carr stated that he believes the Board could do so, by referring to the merger clause. He added that the Board would not be creating sub-standard lots, but that the lots would be legally non-conforming with varying frontages, because they would still meet minimum area requirement. Since the Applicant will be selling these lots, Mr. Carr believes the merger clause would not apply, because then the lots would be under separate ownership.

Mr. Feyl made a motion to deny the variance to reduce the road frontages. Mr. Carr suggested that the motion should be made in the affirmative, to avoid having to make another motion. He also noted that the Planning Board has not yet approved this subdivision. Mr. Feyl withdrew his negative motion. Mr. Belle made a motion to grant for each lot an 18.25' variance to reduce the frontages on 3 of the 4 lots(Lots 2-3-4) from 150' to 131.75', thereby creating legally non-conforming lots, and to require that the lots maintain a 75' building line setback. Ms. Flood seconded the motion. Motion did not carry unanimously. The Board was polled with the following results.

Feyl	No
Belle	Yes
Flood	Yes
Burke	No
Kilburg	Yes
Borsky	No

Motion failed, with 3 No votes and 3 Yes votes.

2. Timothy & Melissa Mullen TM# 005-02-12.1  
2116 Canal Rd  
Memphis, NY 13112  
Area Variance – locate garage in front of rear property line of house

Mr. Feyl stated that there is no reason not to grant the variance, especially since the Applicant owns all the land around it, and that this is the only realistic location for the garage based on the topography. Discussion followed. Mr. Feyl made a motion to grant an area variance to build the garage in front of the rear building line of the house, and no closer to the front property line than the front building line of the existing house. Mr. Kilburg seconded it. Motion carried unanimously.

3. Syracuse Signage TM# 048-01-01.1  
Marshalls  
Fairmount Fair, W. Genesee St.  
Syracuse, NY 13219  
Area Variance – increase allowable square footage to install sign on east side of the building

Mr. Burke summarized the issue being that the Applicant wants to put a sign on a wall on which they have no legal standing, and have not shown that they have permission from the owner of the property. Discussion followed. Ms. Flood made a motion to deny the variance, based on the fact that they do not lease the portion of the building on that wall; and it is not a

demising wall. Mr. Kilburg seconded it. Motion did not carry unanimously. The Board was polled with the following results.

Feyl	Yes
Belle	No
Flood	Yes
Burke	Yes
Kilburg	Yes
Borsky	Yes

Motion passed, with 5 Yes votes, and 1 No vote.

Mr. Kilburg made a motion to adjourn the meeting at 9:40pm, seconded by Mr. Feyl. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
MINUTES**

**APRIL 19, 2004 7:30pm**

**PRESENT:**

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

Kathy MacRae, 2nd Ward Councilor  
Diane Dwire, 5th Ward Councilor  
Approximately 8 others  
  
Ron Carr, Esq.

The meeting was called to order at 7:30pm by Chairman Burke with the Pledge of Allegiance. Mr. delaRosa made a motion, seconded by Mr. Borsky, to waive the reading of the advertisement for tonight's Public Hearings. Motion carried unanimously.

**PUBLIC HEARINGS:**

1. Continued from 3/30/04:  
Frank Bosco TM# 014.1-06-13.0  
124 Signal Ridge  
Syracuse, NY 13209  
Area Variance – reduce side yard setback to construct 2-car garage

Mr. Bosco passed out copies of a list of 24 neighbors' signatures showing their approval of the proposed garage addition, including the neighbors directly adjacent to the side yard where the garage would be located. He also referred to a computer generated picture of the proposed addition, the original survey, and a new survey showing the deck and the garage. His proposal is to convert the existing garage into a band room, and build the 2-car addition facing Lookout Circle. Mr. Burke confirmed that the addition would not infringe on the 25' rear yard setback requirement for this subdivision; however, it would extend into the 25' side yard setback. Mr. Bosco stated that if the addition were built to satisfy the side yard setback, it would be only 11' in length, and would not accomodate his 17-1/2' long van. The proposed addition would require a 5' variance. Mr. Bosco would eliminate the original garage door opening, driveway on Signal Ridge, and install landscaping around the addition. The proposed addition is 30' wide, and 20' deep. Mr. Burke suggested that to stay within the 25' side yard setback, he could remove the existing garage, and build a new 3-car garage. Mr. Bosco stated that he had not understood that he should consider that as an option.

Questions and comments from Board members followed. Mr. Bosco will install the same type and color of siding on the addition, and will remove the existing overhead garage door. Mr. Burke clarified that the addition will be built approximately 1' closer to Signal Ridge than the existing garage, and will be 16.5' off the Signal Ridge right-of-way, which would require a variance of 8.5'. This is 18.5' off the Town standard, since this subdivision's 25' setback requirement already differs from the standard. The Town Highway Dept. has approved the driveway cut on Lookout Circle. The dimensions of the proposed addition are 20'x30'.

The variance request is for 9' from the required 25' on what is actually the front yard setback, because it is on a corner lot, to allow the addition to be built at 16'. Chris Bosco and Nancy Bosco, the son and wife of the Applicant respectively, spoke in favor of the variance. Kathy MacRae, 2nd Ward Councilor, also spoke in favor of it. She commented that very often



suggested that if the building were 10'x20', it could be placed further back, even with the rear building line of the house, just beyond the 1st-floor window on that side. Mr. Shope explained that then he would have to put in more of a retaining wall because of the steep grade. The building will be painted to match the house.

Mr. Burke stated that the Applicant would need a 7' variance off the rear building line, and approximately 5' to 7' off the property line, and 3' over the required rear yard setback of 35'. Michelle Shope, wife of the Applicant, spoke in favor of the variance. Diane Dwire, 5th Ward Councilor, also spoke in favor of the variance, stating that she has spoken to neighbors and found no opposition, and it would be very difficult to locate the building any further back because of the steep grade. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

4. T.D.K. Engineering Associates, P.C.  
Mahoney Properties, LLC TM# 17.00-5-01  
Bennett Road & Milton Avenue – proposed self-storage facility  
Camillus, NY 13031  
Area Variance – reduce required number of parking spaces

No one was present to represent Mahoney Properties. Mr. Borsky noted that the Applicant should provide the Board with a drawing of the building, and a condensed lay-out of the property. Mr. Burke concurred, that the building lay-out, showing access and egress, would influence where the parking is located. Board members agreed that the Applicant will be requested to provide this information. Mr. Burke stated that the property would not need the number of parking spaces required for commercial, but that the location of the parking could be a problem, depending on where the doors are located. Mr. delaRosa made a motion to continue this Public Hearing at the 5/4/04 meeting, and Ms. Flood seconded it.

#### **COMMENTS OF THE PUBLIC: NONE**

**COMMENTS OF TOWN OFFICIALS:** Diane Dwire, 5th Ward Councilor, will request that copies of the new zoning map be provided to the Board. Mr. Burke requested that they be copies of the four sectional maps.

#### **NEW BUSINESS APPLICATIONS:**

1. Immanuel Church of the Nazarene 017.-04-48.1  
4176 Split Rock Road, Camillus, NY 13031  
Vacant Parcel, located between Warners & Hinsdale Roads, and the Camillus bypass  
Camillus, NY 13031  
Special Use Permit – church located in an L.B.O. district

The Applicant is requesting a Special Use Permit to build a church on 27 acres in an L.B.O. district, which constitutes a use change, and would heavily impact Warners Road. Mr. delaRosa made a motion, seconded by Mr. Borsky, to declare this a SEQR Type unlisted action, with referral to the Town and County Planning Boards, and hold a Public Hearing on June 1, 2004 at 7:30pm. Motion carried unanimously.

#### **MINUTES OF THE PREVIOUS MEETING 3/30/04:**

Mr. Kilburg made a motion, seconded by Mr. Feyl to accept the minutes of the 3/30/04 meeting, with correction made on Page 2, second paragraph, Route 695 should be Route 5. Motion carried unanimously.

**VOUCHERS:**

Melvin & Melvin (legal services)	\$ 775.00
Eagle Newspapers (advertisement)	\$ 32.00

Mr. Kilburg made a motion, seconded by Mr. delaRosa, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE:**

- Building Permits for March 2004, received from Code Enforcement Officer
- Town Topics, Mr. Burke noted Page 3, zoning regulations do not override deed restrictions

**COMMENTS OF THE BOARD:**

Mr. Feyl confirmed that if Marshalls does now occupy the whole building, they could request that their Public Hearing be re-opened because of new evidence. Mr. Burke stated that according to Tom Price, the Code Enforcement Officer, Marshalls has not leased the entire building.

Mr. Borsky noted that per the Planning Board minutes, the Johnson Estate subdivision was approved for 3 legally conforming lots, with the 4th lot in dispute.

**DECISIONS:**

1. Frank Bosco TM# 014.1-06-13.0  
 124 Signal Ridge  
 Syracuse, NY 13209  
 Area Variance – reduce side yard setback to construct 2-car garage

Mr. Burke stated that the request is for a 9’ variance on the front yard setback along Lookout Circle, to allow the garage addition to be built 16’ off the property line. He suggested that the variance be granted contingent on removing the old driveway and installing landscaping.

Mr. delaRosa made a motion to grant this variance, and Mr. Feyl seconded it. Motion did not carry unanimously. The Board was polled with the following results.

Feyl	Yes
Belle	Yes
Flood	Yes
Burke	No
Kilburg	Yes
Borsky	Yes
delaRosa	Yes

Motion passed, with 6 Yes votes and 1 No vote.

2. Alfonsina Savage TM# 047.07-04.0  
 104 Olin Drive  
 Syracuse, NY 13219  
 Area Variance – side yard setback for attached garage

Ms. Flood made a motion to grant a 3’ variance on the overall side yard setback of 25’, and Mr. Feyl seconded it. Motion carried unanimously.

3. James Shope III TM# 062-01-50.0

502 Emann Drive  
Camillus, NY 13031  
Area Variance – accessory building in front of rear building line

Mr. Burke stated that he has a concern with a utility building in the side yard, but that the Applicant has demonstrated hardship, because of the topography, and the cost of the alternative to build onto his existing garage. It would not be built into the front yard setback. Discussion followed on the size of the building. Mr. Belle made a motion to grant a variance to construct a 10'x24' accessory building, located forward of the rear building line, but no closer than 1' behind the front building line, and built to the 5' side yard setback. Mr. Feyl seconded it. Motion did not carry unanimously. The Board was polled with the following results.

Feyl	Yes
Belle	Yes
Flood	Yes
Burke	Yes
Kilburg	No
Borsky	Yes
deLaRosa	Yes

Motion passed, with 6 Yes votes, and 1 No vote.

Mr. Feyl made a motion to adjourn the meeting at 9:10pm, seconded by Mr. Belle. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals



business for 27 years. Mr. Balestra has been given verbal permission from St. Luke's Church across the street for the use of 5 parking spaces, and from Mr. Ellinthorpe next door for 3 parking spaces. Mr. Burke stated that because of the nature of the business, this is high-impact parking. With 10 operators, 2-1/2 to 3 parking spaces per operator would be reasonable, given the overlap between customers. It was noted that Mr. Balestra needs to get the permission from St. Luke's Church and Mr. Ellinthorpe in writing.

Mr. Burke explained that this lot is legally non-conforming at 11,000 sq ft, since it should be at least 20,000 sq ft. Because of it being an undersized lot, Mr. Burke is more concerned with having enough parking spaces, rather than adding more green space. Questions and comments from Board members followed. The minimum number of parking spaces required by the Town Code is based on one space per 300 sq ft of building; this building is 2160 sq ft. Mr. Burke stressed that because this application is for a Special Use Permit, it is important that enough spaces are allowed to meet the demand of this business, rather than allow for what is the minimum for any C-1 commercial business. Mr. Burke stated that the Special Use Permit can be granted, based on no more than 10 operators. Mr. Feyl noted that the normal buffer for snow removal and storage is 6', and that taking away two spaces for this purpose would not be adequate; he estimated that it would take at least six spaces. Mr. Balestra stated that with the proposed green space, he believes only two spaces would be lost. Mr. Belle expressed his concern that 19 spaces would not be enough given the volume of business, approximately 80-90 people per day, more on the days the business has extended evening hours, and also considering employee parking. Approximately 99% of the business is by appointment only, with the only walk-in business for the barber. At his current location, which has 1800 sq ft of building space used, as does the new location, there are 19 parking spaces. Mr. Balestra stated that he only has one delivery of supplies, every other Tuesday. Mr. delaRosa mentioned the possibility of getting permission to push snow onto the adjacent vacant land if needed. Mr. Balestra stated that he has attempted to contact the owner Sam Dell for this purpose.

Mr. Burke stated that with the 3 spaces from Mr. Ellinthorpe, 5 spaces from St. Luke's, and the 19 proposed spaces, there would be 27 available parking spaces. This would be 2.7 spaces per operator, which includes the operator and 1-1/2 customers per chair. Mr. Balestra noted that in the winter, his business drops by 15%, so that should be considered given the concerns about snow removal. Board members agreed that he needs to get the permission to use the additional spaces in writing from St. Luke's and Mr. Ellinthorpe, and also written permission from Dr. Barry for access to the right-of-way. Mr. Burke pointed out that to override the Planning Board recommendation, the Board would need a supermajority of 5 votes. Mr. Balestra will also ask Dr. Barry for permission to use 4 or 5 parking spaces along the east side of the driveway. Mr. Burke will check if a variance is needed for the build-out percentage of green space to paving and building.

Chris Jones spoke in favor of the variance, stating that he has been a customer of the Applicant for 27 years, and has never encountered any parking problem. Eric Danes also spoke in favor of the variance. No one spoke in opposition. With no further questions or comments, Mr. Burke asked for a motion to continue this Public Hearing at the 6/1/04 meeting. Mr. Belle made the motion, and Mr. delaRosa seconded it. Motion carried unanimously. The Applicant will mail the written permission letters one week prior to 6/1/04.

3. Chris Jones & Sandy Renaud Jones      TM# 052-06-05.0  
101 Old Semet Lane  
Syracuse, NY 13219  
Area Variance – front yard setback for proposed addition

Mr. Burke referred to the drawing, which shows the proposed 15'x24' (24' being the depth of the house) 2-story addition, with a 5' porch along the side of it. Mr. Jones stated that the plans are not finalized, but that he is actually requesting to build out 20' from the end of the house, and continue the existing front porch along the addition also. Questions and comments from Board members followed. The existing tree, where the addition would be, will be removed. Mr. Jones stated that they do have a deposit down on another lot, but would rather add onto their current home. The existing fireplace will be removed, replaced by a new gas fireplace that will not bump out from the building, and will likely have zero clearance venting. Mr. Jones stated that this will be the third addition onto the house, and the whole house will be re-sided. Mr. Burke stated that this situation does not have the normal sightline concerns when extending into the front yard setback on a corner lot. There is a berm to the south, with the house to the rear of the property because of the curve in the road and topography, and there is an easement for a power line at the rear of the property. The neighboring houses are well set back.

Eric Danes spoke in favor of the variance, which would allow the addition to be built 17' into the front yard setback. With no one speaking in opposition, and with no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

4. Eric Danes, IMS Group TM# 057-01-02.0  
4927 W. Genesee Street  
Camillus, NY 13031  
Area Variance – reduce front yard setback & increase height of sign

Mr. Burke stated that the Applicant is requesting a variance to erect a larger sign, 5' off the right-of-way, instead of the required 15'. Mr. Danes clarified that the proposed sign would be erected at the same location where a temporary sign is now. If the sign were placed in a legal position, it would be blocked by an existing tree, from both the east and west. The proposed sign is 24 sq ft, lighted from within, which the Town Code allows for. The Applicant is requesting permission to allow for a 9' high sign, instead of 6', due to concerns of snow piled up blocking the sign. Mr. Burke stated that the Applicant needs a 10' variance on the front yard setback, and a 3' variance for the height of the sign.

Questions and comments followed from Board members. Mr. Kilburg stated that he does not think the tree blocks the sightline for the sign, and that a 6' height is adequate at a 15' setback. There is minimal daily traffic into the business' parking area. The temporary existing sign is 8' high. Mr. Danes stated that the other business in the building does not need any signage. With no one spoke in favor or in opposition of the variance, and no further questions or comments. Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

#### **COMMENTS OF THE PUBLIC: NONE**

#### **COMMENTS OF TOWN OFFICIALS: NONE**

#### **NEW BUSINESS**

#### **APPLICATIONS:**

1. Fastrac TM#'s 17.00-5-69.1 & 17.00-5-65.2  
John Lytwynec  
507 Hinsdale Road  
Camillus, NY 13031  
Area Variance – additional 4 signs on the canopy columns

The Applicant is requesting an Area Variance to attach four 3-sided advertising signs to the gasoline canopy columns, for a total of 212 sq ft. Mr. delaRosa made a motion, seconded by Mr. Feyl, to declare this a SEQR Type II action, with no referral, and hold a Public Hearing on June 1, 2004 at 7:30pm. Motion carried unanimously.

2. Luber Associates, Inc. TM# 045.-08-08.1  
Michael J. Luber  
103 Milo Lane  
Syracuse, NY 13219  
Use Variance – partial change in use to allow residence in part of building

The Applicant is requesting a Use Variance to allow one of his employees to live in part of the building for security purposes. At the request of Mr. Burke, Mr. Carr stated that this would not be a SEQR Type II action, but an unlisted action, because it is for a use variance. He added that SEQR Type II actions refer to area dimensional variances. Mr. Burke referred to the Town Code, which addresses mixed use, residential in a commercial district, and allows for residential use on the second floor of a commercial building. In this situation, the residence is on the first floor at the rear of the building. Discussion followed, in light of the fact that this building was formerly the WAVES building, and had temporary living quarters. At Mr. Burke's request, Mr. Carr clarified that the Zoning Board could interpret the Code whether or not to include this particular use on the first floor. Ms. Flood made a motion to declare this a SEQR unlisted action, and hold a Public Hearing on 6/1/04 at 7:30pm. Mr. Borsky seconded it. Motion carried unanimously.

3. Immanuel Church of the Nazarene TM# 017.-04-48.1  
4176 Split Rock Road, Camillus, NY 13031  
Vacant Parcel, located between Warners & Hinsdale Roads, and the Camillus bypass  
Camillus, NY 13031  
Special Use Permit – church located in an L.B.O. district

This Application was discussed at the 4/19/04 meeting, and a Public Hearing was scheduled for the 6/1/04 meeting. On the advice of the Zoning Board attorney, Mr. Carr, the Board made the following resolutions.

- 1) Mr. Kilburg made a motion to rescind the Board's motion of 4/19/04 that declared this Application a SEQR Type unlisted action, with referral to the Town and County Planning Boards, and set a Public Hearing for 6/1/04. Mr. Feyl seconded it. Motion carried unanimously.
- 2) Mr. Burke made a motion to the following, and Mr. Kilburg seconded it. Motion carried unanimously.
  - a. This project will require SEQR review.
  - b. The proposed action is SEQR Type I action, because it involves the physical alteration of more than 10 acres of land.
  - c. The application is incomplete in that it requires submission of a Full Environmental Assessment Form.
  - d. The Town and County Planning Boards are interested agencies.
  - e. The Zoning Board of Appeals assumes Lead Agency status for SEQR review of this project.
  - f. The Zoning Board directs that a Lead Agency coordination letter be circulated among the involved agencies.

- 3) Mr. Burke made a motion authorizing Mr. Carr to send a letter to the Applicant and their engineering firm, detailing the above actions taken. Mr. Borsky seconded it. Motion carried unanimously.

**MINUTES OF THE PREVIOUS MEETING 4/19/04:**

Mr. delaRosa made a motion, seconded by Mr. Kilburg to accept the minutes of the 4/19/04 meeting. Motion carried unanimously.

**VOUCHERS:**

Melvin & Melvin (legal services)	\$ 1375.00
Eagle Newspapers (advertisement)	\$ 30.81

Mr. Kilburg made a motion, seconded by Ms. Flood, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE: NONE**

**COMMENTS OF THE BOARD:**

Mr. Borsky commented on the new brochure promoting the Town of Camillus. Mr. Burke confirmed that he is dealing with some health concerns, and he intends to continue his work with the Board.

**DECISIONS:**

1. Eric Danes, IMS Group TM# 057-01-02.0  
4927 W. Genesee Street  
Camillus, NY 13031  
Area Variance – reduce front yard setback & increase height of sign

Mr. Belle made a motion to grant a 3' height variance for snow clearance, to allow for a 9' sign; and a 10' variance on the front yard setback, to allow the sign to be placed 5' from the right-of-way; with the condition that all other signs be removed. The variance is needed because the trees and terrain would block the sign if it were placed legally. Ms. Flood seconded the motion. Motion did not carry unanimously. The Board was polled with the following results.

Feyl	Yes
Belle	Yes
Flood	Yes
Burke	Yes
Kilburg	No
Borsky	Yes
delaRosa	Yes

Motion passed, with 6 Yes votes and 1 No vote.

2. Chris Jones & Sandy Renaud Jones TM# 052-06-05.0  
101 Old Semet Lane  
Syracuse, NY 13219  
Area Variance – front yard setback for proposed addition

Mr. Burke stated that the Applicant needs a 17' variance on the front yard setback, measured from Skyview Terrace, to allow for the addition to be built 20' out from the house.

Mr. Borsky made a motion to grant the 17' variance, and Mr. Feyl seconded it. Motion carried unanimously.

Mr. Kilburg made a motion to adjourn the meeting at 10:00pm, seconded by Mr. delaRosa. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals



Camillus, NY 13031

Area Variance – additional 4 signs on the canopy columns

Mr. Lytwynec, speaking on behalf of the Applicant, referred to a picture of a Fastrac store in the Liverpool area, which has the proposed canopy column signs. He stated that these signs are the last part of their marketing plan, and advertise their specials. They use these column signs, because they know that many municipalities do not like road signs. The signs are 3-sided, and do not rotate. Mr. Burke noted that Fastrac has already been given a variance for signage in excess of the Town Code. Ms. Flood stated that she counted sixteen temporary signs currently on the pumps. Mr. Burke stated that it is up to the Code Enforcement Officer to enforce the existing signage allowed.

Questions and comments followed from Board members. Concerns were expressed about the various signs already in place, and with even more signs, the potential to distract drivers. Mr. Lytwynec stated that Fastrac prefers to use these more professional-looking signs, rather than the vendor signs many other convenience stores place on light poles and along the road. It was noted that the picture of the Liverpool store showed a multitude of promotional signs, as well as the requested column signs. The variance request is for an additional 212 sq ft of signage.

No one spoke in favor of the variance. Kathy MacRae, 2nd Ward Councilor, spoke in opposition, stating that there are already a lot of signs on the property, and granting the variance would set a precedent. Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

4. Luber Associates, Inc. TM# 045.-08-08.1  
Michael J. Luber  
103 Milo Lane  
Syracuse, NY 13219  
Use Variance – partial change in use to allow residence in part of building

Mr. Burke stated that to grant a use variance, according to the guidelines established by the courts, the Applicant would have to prove that he cannot use the building for his business, which he does. He stated that under Section 400 of the Town Code, a P-12, or mixed use building would be allowed, where residential use is allowed in a commercial building located in a commercial zone, with the stipulation being that the residence is located on the 2nd floor above the business. To allow for this, the Board would need to do an interpretation. Mr. Burke stated that the Town Code recognizes that as long as the primary use of a building remains commercial, an ancillary residential use would be allowed. Mr. Luber stated that his foreman occupies part of the 1st floor, or approximately 18.5% of the total square footage. His presence is primarily for security reasons.

Questions and comments followed from Board members. The building was previously occupied by WAVES Ambulance 24 hours a day for 20 years, so this situation is very much the same. The Board would need to interpret that the Town Code's intent was to allow for mixed use, whether or not the residential use is located on the 1st or 2nd floor. The Code Enforcement Officer would then decide whether or not to refer the application to the Planning Board, who would make a decision based on site plan review, and could also request that the Town Board consider clarifying the Town Code as to location in the building. At the request of Mr. Burke, Mr. Carr agreed that it is very difficult to grant a use variance. There has not been one granted in New York in the last five years.

Kathy MacRae, 2nd Ward Councilor, stated that the Town Board should clarify its intent as to the location of the residential use; and Diane Dwire, 5th Ward Councilor, agreed with her.

With no one speaking in opposition, and with no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

5. Frank Colabufo TM# 060.-03-15.0  
113 Tudor Lane  
Camillus, NY 13031  
Area Variance – reduce front yard setback to 25’

This Public Hearing was added to the agenda after last month’s meeting. The Applicant is requesting an Area Variance to move the existing attached garage forward 10’, to add a laundry room and bathroom, to be located between the family room and the garage. Mr. Colabufo explained that because of his wife’s medical condition after brain surgery two years ago, she is unable to go up and down stairs without feeling ill as a result, i.e. severe headaches, dizziness, nausea. Currently, their full bathroom is upstairs, and the laundry room is in the basement. Mrs. Colabufo is a stay-at-home mother of five small children. He stated that they explored other alternatives to moving the garage forward, but have ruled them out primarily based on financial or topographic reasons. Financially, they would not be able to afford a house, big enough for their family, in the Town of Camillus. He was quoted \$50K to build an addition onto the back of the house, which would have included a master bedroom, laundry room and bathroom. Because the house has a walk-out basement, building the addition would be somewhat more involved. Currently, they have converted their dining room into the master bedroom. The quote to extend the house out 10’, and build just a laundry room and bathroom off the back was \$34,600. The quote to move the garage forward 10’, and add the laundry room and bathroom as proposed, was \$14,800. He showed pictures of the house, and a sketch of the proposed changes.

Mr. Colabufo referred to the hearing guide he received, and addressed the reasons to grant the variance. He stated that: 1) proposed change would not be detrimental to neighboring houses; 2) no feasible alternative; 3) medical hardship; 4) no adverse effects on the neighborhood; 5) hardship not self-created. He referred to a letter of support signed by several neighbors.

Questions and comments followed from Board members. By moving the garage forward 10’, they will have approximately 200 more sq ft of living space. Mr. Borsky suggested the possibility of converting one side of the two-car garage into the laundry room and bathroom, at less cost and less impact on the neighbor’s sightline. Mr. Colabufo stated that this area is not big enough, when you consider the space needed to enter and exit. Mr. Burke stated that financial hardship has been shown, with the proposed change \$20K cheaper than building onto the back of the house. He also expressed concern with the result being a shorter driveway. Mr. Feyl clarified that the actual variance needed would be for 9.2’.

Mr. Al Signor, who has resided at 116 Tudor Lane, across the street since 1968, spoke in favor of the variance, and noted that the visibility from his house would not be impaired. Diane Dwire, 5th Ward Councilor, stated that she has called neighbors and found no one against the change, and referred to a letter of support from one of them, Jonathan Hallinan at 114 Tudor Lane. Mr. Hallinan pointed out another house in the neighborhood, whose garage appears to be about 10’ in front of the doorway. Kathy MacRae, 2nd Ward Councilor, also spoke in favor of the variance, citing the support from neighbors, and the convincing presentation of the Applicant. No one spoke in opposition to the variance. Mr. delaRosa questioned the long-term impact, since a variance is not granted to an individual, but goes along with the property itself. Mrs. Colabufo stated that they have been advised that making this change would most likely lower the house’s re-sale value. Mr. Burke explained that the courts do not accept medical reasons as sufficient justification for a variance, but would consider the topography off the back of the house. The same siding would be used for the

addition. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

**COMMENTS OF THE PUBLIC:** Several people were present to speak at a Public Hearing for an assisted living center near the Annsgrrove subdivision. Mr. Burke explained that a Public Hearing will be held at a future date with due public notice following acceptance of the application.

**COMMENTS OF TOWN OFFICIALS: NONE**

**NEW BUSINESS APPLICATIONS:**

1. Nasser Totari TM# 040-04-06.0  
116 Welsh Drive  
Camillus, NY 13031  
Area Variance – reduce front yard setback for a garage addition

The Applicant is requesting an Area Variance to build a 12'x23' garage addition, on what is a corner lot. The front yard setback would be reduced by 11' to 24.67'. Mr. Burke made a motion, seconded by Mr. Feyl, to declare this a SEQR Type II action, with no referral, and hold a Public Hearing on 7/6/04 at 7:30pm. Motion carried unanimously.

2. John & Pamela Woollis TM# 015-04-12.1  
5990 Belle Isle Road  
Syracuse, NY 13209  
Area Variance – build detached garage forward of house

The Applicant is requesting an Area Variance to build a detached garage in front of the house, which would still be 400' off the right-of-way. Mr. delaRosa made a motion to declare this a SEQR Type II action, with no referral, and hold a Public Hearing on 7/6/04 at 7:30pm. Mr. Kilburg seconded it. Motion carried unanimously.

3. The Church of Latter Day Saints TM# 020-1-01-01.0  
East View Associates, John C. Rossi, Esq.  
Scenic Drive, north side of Scenic Drive, east of Annsgrrove subdivision  
Camillus, NY 13031  
Area Variance – side yard & front yard setbacks, and number of parking spaces

Mr. Burke referred to a letter dated 6/1/04 received today from Paul Curtin, the Planning Board attorney. The Planning Board's concern is with the number of parking spaces, for 56 units, which are approximately 600 sq ft each. This unit size normally requires two parking spaces. If the project were ever converted to conventional apartments, then more parking would be required, and the proper setbacks would need to be met. Mr. Burke stated that the Planning Board is recommending that the ZBA Board consider this project to be multi-family R-4 zoning, which would require a 25' buffer on each side. If this buffer was not considered, the project would still require a total of 35' for the combined side yards, and another 8' for each additional unit. Mr. Burke figured this out to require a 408' (51 units x 8), plus the initial 35'; and the 25' buffer, which would calculate out to a required side yard setback of approximately 221.5', which would not fit on the property. Mr. Burke stated that the Planning Board has the authority to reduce the build-out of the number of parking spaces, provided that there is

enough land available for future parking. The current map shows 38 parking spaces, and an area of approximately 3700 sq ft for "future parking".

At the request of Mr. Burke, Mr. Carr explained that an adult care facility is a permitted (P-6) use in a residential district, and requires one parking space per unit. The Town Code does not specify area setback requirements; those are determined by the Planning Board. Discussion followed on what it is exactly that the Planning Board is requesting the Zoning Board to vary, since the Planning Board can determine how many parking spaces to require. Mr. Carr stated that if the Planning Board reduces the parking space requirement from the minimum of 56 spaces, then a variance would be required. If the Zoning Board agrees with the Planning Board and considers the facility to be a multi-family use, then that would require too large a variance for yard dimensions. Mr. Feyl pointed out that the side yard setback to the east is 58', which would be sufficient. Mr. Carr stated that the proposed building is an adult care facility, not a multi-family building. Mr. Burke noted that the adjacent subdivision of Annsgrrove was approved for multi-family development, but is being marketed as single-family units, and as such should have a buffer between them and any multi-family development.

Mr. Burke noted that this application was referred directly from the Planning Board. He clarified with Mr. Carr that the Zoning Board can notify the Planning Board that it is tabling the application, until it receives more detailed information as to what needs a variance, and what to vary it from. He further stated that the Town Code requires a 25' buffer when a non-residential use borders upon a residential use. An adult care facility or P-6 use is considered non-residential. The application does not request a variance for buffering. Some discussion followed on whether or not the building would be a mixed use, since there would be a kitchen for meal preparation and distribution.

Mr. Burke made a motion to authorize Mr. Carr to send a letter to the Applicant and to the Planning Board, informing them that the Zoning Board will wait until the 7/6/04 meeting to schedule a Public Hearing , and asking the Planning Board to provide more detailed information as to what the variance request is for. Mr. Feyl seconded it. Motion carried unanimously.

#### **MINUTES OF THE PREVIOUS MEETING 5/4/04:**

Mr. Borsky asked that the spelling of his name on Page 1 be corrected. Mr. Kilburg made a motion, seconded by Ms. Flood to accept the minutes of the 5/4/04 meeting as corrected. Motion carried unanimously.

#### **VOUCHERS:**

Melvin & Melvin (legal services)	\$ 1100.00
Eagle Newspapers (advertisement)	\$ 27.26
Eagle Newspapers (advertisement)	\$ 19.75

Mr. Kilburg made a motion, seconded by Mr. Feyl, to approve these vouchers. Motion carried unanimously.

#### **CORRESPONDENCE:**

- Building Permits for April, received from the Code Enforcement Officer
- Notice of 1-day training seminars in Geneseo

#### **COMMENTS OF THE BOARD:**

Mr. Burke stated that the status of the application from the Church of the Nazarene is that the Zoning Board is waiting on receiving the long-form SEQR. Mr. Feyl read from the Planning Board minutes of 5/25/04, regarding the assisted living center.

#### **DECISIONS:**

1. Antonio Balestra TM# 065-04-07.1

5415-C W. Genesee St.  
Camillus, NY 13031  
Special Use Permit – beauty salon in L.B.O. district

Mr. Belle made a motion to grant the Special Use Permit, for 19 parking spaces as marked on the Planning Board drawing, with a limit of 10 chair operators, and not to include a tanning salon. All conditions were satisfied that were requested. Mr. Kilburg seconded the motion. Since this motion is contrary to the Planning Board’s recommendation for green space instead of parking in the rear area, a super majority of 5 votes is needed to override that recommendation. Motion carried unanimously.

2. Fastrac TM#’s 17.00-5-69.1 & 17.00-5-65.2  
John Lytwynec, Vice President, Motor Fuel Distribution  
507 Hinsdale Road  
Camillus, NY 13031  
Area Variance – additional 4 signs on the canopy columns

Mr. delaRosa made a motion to grant a variance to allow for 4 additional three-sided canopy column signs, for a total of 212 sq ft. Mr. Belle seconded it. Motion did not carry unanimously. The Board was polled with the following results.

Feyl	No
Belle	Yes
Flood	No
Burke	No
Kilburg	No
Borsky	No
delaRosa	No

Motion was denied, with 1 Yes vote, and 6 No votes.

3. Luber Associates, Inc. TM# 045.-08-08.1  
Michael J. Luber  
103 Milo Lane  
Syracuse, NY 13219  
Use Variance – partial change in use to allow residence in part of building

Mr. Burke stated that it is impossible to grant a use variance, since it cannot be proven that the building could not be used for any other purpose. He further explained that the motion should state that the Code Enforcement Officer misinterpreted the Town Code, that a mixed use was intended by the Code and would allow for the residence in part of the building, whether it be on the 1st or 2nd floor. At the request of Mr. delaRosa, Mr. Carr explained that an interpretation is required when there is an ambiguous provision.

Ms. Flood made a motion to grant a use variance, to allow for the residence in part of the building on the 1st floor. Mr. delaRosa seconded it. Motion was denied unanimously. Ms. Flood then made another motion, to send a letter to the Applicant and the Town Board, pursuant to Section 400, P-12 use, asking the Town Board to modify the Code language to allow for an ancillary residential use in a primarily commercial-use building, and not to restrict its location in the building. Mr. Kilburg seconded it. Motion carried unanimously.

4. Frank Colabufo TM# 060.-03-15.0  
113 Tudor Lane  
Camillus, NY 13031

Area Variance – reduce front yard setback to 25'

Mr. Burke stated that zoning law does not recognize medical reasons to justify a zoning variance. Discussion followed that confirmed the Applicant had shown that other options were cost restrictive for his family, and that the economic hardship would be greater than any detriment to the neighborhood.

Mr. Belle made a motion to grant an area variance to reduce the front yard setback by 10' to 25', based on economic hardship and the topography to the rear of the property. There are no sightline concerns, since the house is in the middle of the block. Mr. Feyl seconded it. Motion carried unanimously.

Mr. delaRosa made a motion to adjourn the meeting at 10:30pm, seconded by Mr. Kilburg. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
MINUTES  
JULY 6, 2004 7:30pm**

**PRESENT:**

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

Kathy MacRae, 2nd Ward Councilor  
Dirk Oudemool, Town Attorney  
Approximately 11 others  
  
Susan Otto, Esq.

The meeting was called to order at 7:30pm by Chairman Burke with the Pledge of Allegiance. Mr. delaRosa made a motion, seconded by Mr. Kilburg, to waive the reading of the advertisement for tonight's Public Hearings. Motion carried unanimously.

**PUBLIC HEARINGS:**

1. Continued from 6/1/04:  
T.D.K. Engineering Associates, P.C.  
Mahoney Properties, LLC TM# 17.00-5-01  
Bennett Road & Milton Avenue – proposed self-storage facility  
Camillus, NY 13031  
Area Variance – reduce required number of parking spaces

Joseph Durand of T.D.K. Engineering spoke on behalf of the Applicant. He stated that during the Site Plan Review process, the building design was changed from two buildings to one 3-story building, 24,000 sq ft per story, with 550 units. There is also a proposed 45-unit building of 4500 sq ft, to be built in the future. To maximize parking and traffic flow, the dedicated entrance only will be off of Southern Container Drive, with the dedicated exit only onto Bennett Road. Since the building use does not meet the typical warehouse classification, the Applicant does not believe the required number of parking spaces is needed. They will be addressing the 6' wrought iron fence with the Town Board; because the allowable height is 4'. He stated that most of the driveway and parking areas will be paved, leaving a portion gravel to the north until the future 45-unit building is built. As determined by the Planning Board, the required number of parking spaces is 153, figured on the building square footage.

Mr. Durand stated that per a traffic study done by the Self-Storage Association of America, traffic is mild, random and during off-peak hours. The study proposed to calculate the number of needed parking spaces by; 1 parking space per 1000 sq ft, or 1 parking space per 8 units. Given the total of 600 units, including the future 45-unit building, the number of parking spaces would be between 75-77, depending on which calculation is used. The proposed number of parking spaces is 94. He explained that the building construction would not be conducive to any habitable use in the future. Paul Curtin, Planning Board attorney, will be drawing up a statement or covenant to restrict the building use to self-storage.

Questions and comments from Board members followed, which included signage, green space maintenance, fence line elevation, snow removal, and sightline distances at the entrance and exit. Mr. Durand pointed out the storm water management basins along Bennett Road. He clarified that the parking spaces are parallel and along the perimeter. There was some concern as to whether or not recreational vehicles or tractor trailers would be allowed to park. Mr. Durand stated that at some Store America sites, U-Haul rental vehicles are parked

there, and he is not sure if this site would include that. The variance could stipulate that these vehicles would not be allowed. There are reserved areas along the perimeter for snow storage; if needed, snow would be trucked off. There will be security lift gates. Mr. Durand clarified where the loading zones are located to the north, south and at the center. There will be at least four building entrances, with an elevator and stairwell in the center, and at least two doors to the 2nd and 3rd floors, and will be built to the NYS Building Code.

Mr. Feyl noted that there are only 61 marked parking spaces shown on the drawing, not including the area for the future 45-unit building. He pointed out that this gravel area would not be considered parking, since it is not paved and marked as required by the Town Code. Based on 550 units, 1 parking space per 8 units, that calculates to 61 parking spaces. Mr. Durand stated that they will pave the gravel area if needed, to show that there are 94 parking spaces.

Kathy MacRae, 2nd Ward Councilor, spoke in favor of granting the variance from 153 parking spaces down to 94, stating that for aesthetic reasons, she would prefer that it not all be paved. Dirk Oudemool, Town Attorney, asked the following questions of Mr. Durand; 1) 1000 sq ft will be office space, with 8 parking spaces designated as such; 2) Will be maximum of 4 employees on site at any one time; 3) 73% of lot coverage is building and pavement, which is less than the allowable 80%. Mr. Oudemool stated that he will be recommending that the Town Board lower the Code parking requirements for this type building, since they would prefer not to grant a variance. He will be making this recommendation at their meeting next week. He noted that the Planning Board could have waived the required parking build-out, but did not. His concern is to avoid building out all the parking spaces until the demand requires it. No one else spoke in favor or in opposition to granting the variance.

Mr. delaRosa asked if the variance could be granted now for 61 parking spaces, with the additional 33 spaces allowed in the future as demand requires. At Mr. Burke's request, Ms. Otto responded that she would not recommend that, as that could be considered legislating action. Board members agreed not to continue the Public Hearing until after the Town Board meets, since it has already been continued, so as not to delay the Applicant's building timeframe any further. Mr. Burke explained that if the Board grants the variance for 59 less parking spaces, from 153 to 94, and then the Town Board reduces the required number of parking spaces for this usage, the Applicant would only be held to the new Code requirement.

With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision with 62 days.

2. Nasser Totari TM# 040-04-06.0  
116 Welsh Drive  
Camillus, NY 13031  
Area Variance – reduce front yard setback for a garage addition

Mr. Burke referred to the letter from Tom Dugan, the area's Town Councilor, who could not be present, and the negative letter dated 7/3/04 signed by ten neighbors. He also received one negative phone call. He noted that the drawing submitted is not accurate; the fence is not shown in its actual location. Mr. Totari stated that he cannot maintain the house without a garage. He bought the house as it is, without a garage. Mr. Burke noted that he did not find a building permit for the shed in the back yard; Mr. Totari stated that the shed was there when he bought the house. A copy of the neighbors' letter was passed out to each Board member. Mr. Feyl noted that the drawing submitted shows a garage. Mr. Totari explained that the previous owner converted it into living space. Mr. Feyl pointed out that the Board needs an accurate drawing from which to grant a variance. Mr. Totari stressed that he needs a garage for storage, and also to alleviate noise for his neighbors when he gets home late at night with car doors closing, etc. Mr. Burke noted that since this is a corner lot, he is proposing to build 12'

beyond the property line along the side street, which is into the neighbor's front yard sight lines.

Questions and comments followed from Board members. The Applicant has owned the house approximately 4-1/2 years. If the addition was built as proposed, it would extend into the sight line along Sunnyfield Road, and existing pine trees already restrict the sight line somewhat. The drawing also does not show an existing 4-bedroom addition on the left. Siding to match the rest of the house would be used on the proposed garage. Mr. Burke stated that the request is for a 10-1/2' variance on the front yard setback.

No one spoke in favor of granting the variance. Speaking in opposition were: John Lundrigan, 115 Welsh Drive; Patty Moore-Wleklinski, 113 Welsh Drive; and Bob Rugg, 116 Dunning Drive. Mr. Lundrigan's concern is that there are no stop signs at this corner, and the proposed addition would further hinder the sight lines. Ms. Wleklinski stated that the house is already bigger than others in the neighborhood, and the addition would block traffic sight lines, and the house would be out of character with the rest of the neighborhood. Mr. Rugg questioned how they could be assured that the addition would be used as a garage, and not converted into additional living space. Mr. Burke stated that the variance could limit its use to a garage. Mr. Rugg noted that he was told that he could not build an addition, and he had 3' more than the Applicant. Mr. Burke explained that on a corner lot, each side yard is considered as a front yard, and therefore requires a 35' setback, because the side of the house needs to line up with the other houses on that street. The total side yard setback of 25' is not in question, since one side is 35', and the other greater than 7'. The fence shown is illegal, since it is 6' and in the front yard setback.

Ms. Flood asked if the Applicant has considered any other alternatives to the proposed addition, and if he could convert the existing addition back to a garage. Mr. Totari stated that this would not be possible, that many walls would need to be built, and then he might as well build a new house. Ms. Otto clarified that the Applicant has lived in the house for approximately 6 years, and he bought the house as is without a garage. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision with 62 days.

3. John & Pamela Woollis TM# 015-04-12.1  
5990 Belle Isle Road  
Syracuse, NY 13209  
Area Variance – build detached garage forward of house

Mr. Woollis stated that the house sits back a minimum of 400' off of Belle Isle Road. They own 26 acres; the house is on 22 acres, and there are apartments on 4 acres. They are proposing to build a detached garage 300' off the road, but forward of the rear building line of the house. Mr. Burke stated that a variance is needed because the property is zoned R-3. If the property was zoned R-R, which requirements the property does meet, then no variance would be needed if it was not built closer than 80' to the road. The proposed garage is approximately 120' forward of the rear building line of the house.

No one spoke in favor or in opposition to granting the variance. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

**COMMENTS OF THE PUBLIC: NONE**

**COMMENTS OF TOWN OFFICIALS: NONE**

**NEW BUSINESS**

**APPLICATIONS:**

- 1. Richard Canestrare TM# 023-02-16.0  
 2220 W. Genesee Turnpike  
 Camillus, NY 13031  
 Area Variance – reduce sideyard setback to build attached garage

The Applicant is requesting an Area Variance to build a 24'x40' attached garage on the west side of the house. The variance needed is for 4' on the sideyard setback. Mr. Feyl made a motion, seconded by Mr. Borsky, to declare this a SEQR Type II action, with no referral, and hold a Public Hearing on 8/3/04 at 7:30pm. Motion carried unanimously.

**MINUTES OF THE PREVIOUS MEETING 6/1/04:**

Ms. Flood pointed out that on Page 1, last sentence, with should be within. Ms. Flood made a motion, seconded by Mr. Kilburg to accept the minutes of the 6/1/04 meeting as corrected. Motion carried unanimously.

**VOUCHERS:**

Melvin & Melvin (legal services)	\$ 1050.00
Eagle Newspapers (advertisement)	\$ 25.28

Mr. Kilburg made a motion, seconded by Mr. Feyl, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE:**

- Building Permits for May, received from the Code Enforcement Officer
- Notice of Planning Federation training at Lake Placid on 9/19/04
- Planning News
- Notice of Town Employee Picnic on 7/23/04

**COMMENTS OF THE BOARD:**

Regarding the pending application for the assisted living center off Scenic Drive, Mr. Burke stated that the Board's attorney, Ron Carr, did write a letter to the Planning Board dated 6/7/04, asking them to clarify what the variance request is for. Mr. Burke has spoken with the Applicant's attorney and the Planning Board chairman; but to date, no letter of reply has been received.

Mr. Burke passed out copies of the long form SEQR Environmental Assessment Form for the Church of the Nazarene application for a Special Use Permit, for each board member to read over, and be prepared to discuss at next month's meeting.

**DECISIONS:**

- 1. Continued from 6/1/04:  
 T.D.K. Engineering Associates, P.C.  
 Mahoney Properties, LLC TM# 17.00-5-01  
 Bennett Road & Milton Avenue – proposed self-storage facility  
 Camillus, NY 13031  
 Area Variance – reduce required number of parking spaces

Mr. Burke stated that if the Town Board does make a decision soon, and change the parking requirements for a self-storage business; when the Applicant applies for a Building Permit after the Planning Board approves the final site plan, then it may not be necessary to

build out the 94 parking spaces. Discussion followed on the loading zones and entrances to the building, especially the primary access to the 2nd and 3rd floors which will house 2/3 of the units, since there will only be one elevator. The two major loading zones will be on the north and south ends, with other entrances to the east and west. He mentioned the previous variance that was granted for reduced parking at the Milton Avenue self-storage business, which appears to have worked out. Mr. Burke pointed out that this type of business has been shown to generate much less parking demand, than a typical commercial warehouse. He added that the variance should stipulate that the building be limited to self-storage use, and not include any truck rentals.

Mr. delaRosa made a motion to grant an Area Variance to reduce the number of parking spaces from 153 to 94 as shown on the revised site plan dated 6/22/04, a 59 space variance, and require that those spaces be legally paved and striped, with the condition that no ancillary business such as RV storage or truck rentals be conducted at the site, only interior storage. Mr. Feyl seconded the motion. Motion carried unanimously.

2. Nasser Totari TM# 040-04-06.0  
116 Welsh Drive  
Camillus, NY 13031  
Area Variance – reduce front yard setback for a garage addition

Discussion centered on the property already being overbuilt, and the fact that the Applicant bought the property as it exists, without a garage. Mr. Burke stated that by granting the variance, it would set a precedent for building into front yard setbacks. Mr. Burke made a motion to deny the variance to reduce the front yard setback by 11', for the primary reason that the addition would hinder sightlines along Welsh and Sunnyfield, no real hardship was shown, and there already is a garage there that is being used for other purposes. Mr. Feyl seconded it. Motion carried unanimously.

3. John & Pamela Woollis TM# 015-04-12.1  
5990 Belle Isle Road  
Syracuse, NY 13209  
Area Variance – build detached garage forward of house

Mr. delaRosa made a motion to grant a variance, to allow the Applicant to build a detached garage 120' forward of the rear building line of the house. Mr. Feyl seconded it. Motion carried unanimously.

Mr. delaRosa made a motion to adjourn the meeting at 9:45pm, seconded by Mr. Kilburg. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
MINUTES  
AUGUST 3, 2004 7:30pm**

**PRESENT:**

George Burke, Chairman	Tom Price, Code Enforcement Officer
Bob Feyl, Vice Chairman	Approximately 5 others
Joy Flood	
Joe Kilburg	
Don Borsky	Ron Carr, Esq.
Rich delaRosa	

**ABSENT:**

Ron Belle

The meeting was called to order at 7:30pm by Chairman Burke with the Pledge of Allegiance. Mr. delaRosa made a motion, seconded by Mr. Borsky, to waive the reading of the advertisement for tonight's Public Hearings. Motion carried unanimously.

**PUBLIC HEARINGS:**

1. Richard Canestrare TM# 023-02-16.0  
2220 W. Genesee Turnpike  
Camillus, NY 13031  
Area Variance – reduce sideyard setback to build attached garage

Since the drawing submitted does not show the location of the proposed garage, Mr. Canestrare clarified that he wishes to build an attached 24'x40' front-loading 2-car garage on the west side of his house. The garage would be 40' deep, with the garage doors facing north. The 2-story colonial house is 24' deep, and 36' wide. The proposed garage would be built 16' forward of the front building line of the house, with the back wall of the garage in line with the rear building line of the house. The front yard setback would then be 82'. Mr. Canestrare asked about an overhang on the west side of the garage; Mr. Burke stated that it would have to be within 2'. Mr. Burke stated that since West Genesee Turnpike is considered an arterial road, the required front yard setback is 100'. Mr. Price stated that they did not take that into consideration, because they thought the garage back wall would be located behind that of the house, in line with the back stairs. Mr. Canestrare explained that to do that, because of the elevations, he would have a problem with fill and slanting on the west side. He stated that his alternate plan with the rear walls of the garage and house in line, is to use pre-cast walls, and dig out the basement. Mr. Price explained that because West Genesee Turnpike is an arterial road, the required front yard setback is double the normal setback of 50' for R-1, or 100'. The house is legally non-conforming, so the garage could not be built forward of the house without a variance.

Mr. Burke questioned the 960 sq ft size of the proposed garage, for a 1700 sq ft house. Mr. Canestrare explained that his walk-out basement is now full of tools, etc., and the garage would also help alleviate the winter wind from the west for the entrance to the house. He stated that he has no intention of starting a business in the garage. Mr. Burke stated that a garage is normally sized 20'x20' for a house of similar size. Mr. Feyl suggested that he could still have the 24'x40' garage, by digging out a small portion of the hill in the back, and making the garage 2-story, with the storage then at ground level in the back, and stairs leading down to it from the garage. This would not require the fill in the back, which would be more

expensive. The garage roof lines would not match up exactly with the 2nd-floor roof lines; they would be at a 20' pitch running north and south. Mr. Canestrare explained that with the 2-story garage, the flattest part of the back yard would be dug up for the lower storage area.

If the garage is lined up with the front building line of the house, regardless of whether it is dug out or filled, the only variance needed would be for 5' on the side yard at the west rear corner. Mr. Burke stated that per the Code, in an R-1 district, the front yard setback is determined by the mean distance of 300' on either side of the setbacks of existing buildings. He asked Mr. Carr which would take precedence, the doubling of the normal setback of 50' or the measurement which is already legally non-conforming. Mr. Carr stated that if the garage is located within the 98', the non-conformity would not be increased. Mr. Burke further explained that the Code states the doubling of the normal setback for an arterial road, or as otherwise referred to in Table 2 (the mean distance). It was agreed that the 98' front yard setback would take precedence, since the non-conformity would not be increased. Mr. Carr stated that if all the houses along Route 5 had a legally non-conforming 98' front yard setback, the established front yard setback should be twice the mean distance. Mr. Price explained that the Code addresses more the issue of new houses being at the required setback.

It was confirmed with the Applicant, that any garage he builds must not extend forward of the front building line of the house. Any detached garage would have to be located behind the rear building line of the house. The Applicant would match the garage siding to that on the house. No one spoke in favor of or in opposition to the variance. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

#### **COMMENTS OF THE PUBLIC: NONE**

**COMMENTS OF TOWN OFFICIALS:** Tom Price, Code Enforcement Officer, apologized for the condition of recent applications, and that they had overlooked the front yard setback issue on the Canestrare application.

#### **NEW BUSINESS APPLICATIONS:**

1. Gary Kantak TM# 023-02-03  
Pioneer Camillus Development, LLC  
115 Greencastle Street (Annsgrrove Subdivision)  
Camillus, NY 13031  
Area Variance – rear yard setback to build new house

The Applicant is requesting a 10' Area Variance to build a new house in Annsgrrove, which is a Section 278B development. The lot is one of the first lots developed; the house needs to be set back further, because Niagara Mohawk located the utilities too far into the front yard. Mr. Feyl made a motion, seconded by Mr. Borsky, to declare this a SEQR Type II action, with no referral, and hold a Public Hearing on 9/7/04 at 7:30pm. Motion carried unanimously.

2. Anthony Adorante, Esq. TM# 058-04-01.0  
Eric & Mary Kay Bittel  
101 Robinhood Lane, 109 Stanley Manor  
Camillus, NY 13031  
Area Variance – reduce front yard setback on existing shed & addition to clear title



SEQR Type II action, and hold a Public Hearing on 9/7/04 at 7:30pm. Motion carried unanimously.

Mr. Burke updated the Board on the status of the Camillus Ridge Assisted Living application, and stated that to date he has received no response from the Planning Board. Mr. Carr stated that the submitted application as defined should have been addressed to the Planning Board as a floating zone application. Board members discussed what action to take at this time. At Mr. Borsky's suggestion, Mr. Burke made a motion to have Mr. Carr send a follow-up to the 6/7/04 letter, stating that unless the Board receives a response by the next meeting date of 9/7/04, the Board will reject the application at that meeting. Mr. Feyl seconded it. Motion carried unanimously.

**MINUTES OF THE PREVIOUS MEETING 7/6/04:**

Mr. delaRosa made a motion, seconded by Mr. Feyl to accept the minutes of the 7/6/04 meeting as submitted. Motion carried unanimously.

**VOUCHERS:**

Melvin & Melvin (legal services)	\$ 1050.00
Eagle Newspapers (advertisement)	\$ 20.94

Mr. Kilburg made a motion, seconded by Mr. Borsky, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE:**

- Building Permits for June, received from the Code Enforcement Officer
- Notice of Planning Federation training at Lake Placid on 9/19-9/22/04
- Letter from Tom Dugan, 6th Ward Councilor, regarding 8/4/04 informational meeting on proposed development in Westerlea Tract, on West Genesee Street east of Richlee Drive

**DECISIONS:**

1. Richard Canestrare TM# 023-02-16.0  
2220 W. Genesee Turnpike0  
Camillus, NY 13031  
Area Variance – reduce sideyard setback to build attached garage

Mr. Burke stated that the Applicant needs a 5' side yard variance on the west side, since there is only 39.3'. Mr. Feyl made a motion to grant the variance, with the stipulation that the garage not extend forward of the front building line of the house, and that the front yard is legally non-conforming as is. Ms. Flood seconded it. Motion carried unanimously.

**COMMENTS OF THE BOARD:**

Mr. Burke stated that the process for the Church of the Nazarene Special Use Permit application is for the Board to review the SEQR long form, receive the recommendation from the Town Planning Board, make a declaration, then refer the application to the County Planning Board, and schedule a Public Hearing. He referred to Mr. Carr, who stated that the Planning Board's site plan review will provide input important to the SEQR analysis, such as traffic issues and site drainage. He further stated that the Board should wait to make its final SEQR declaration, until it receives the Planning Board report. Discussion followed, and Mr. Carr clarified that the SEQR long form is a guideline that provides basic architectural and engineering information. He identified the other agencies involved. Mr. Carr explained that the

Board, as lead agency, will assess the relevant information and the data that will have already been collected during the site plan review process.

Tom Price was asked to participate in the discussion. Mr. Burke yielded to Mr. Carr to lead the Board through the review of the (SEQR) Full Environmental Assessment Form. He stated that the Board will identify the environmental impacts as to having a greater or less impact. He led the Board through each question on the form. Mr. Carr suggested that the Board, even though it is not required for the SEQR determination, hold a Public Hearing on the SEQR and the Special Use Permit application, to get additional input. Mr. Burke stated that this should not be scheduled until after the referral report is received from the County Planning Board.

Discussion followed on the acreage to be developed which is stated differently on Page 3 and Page 5. An explanation is needed to clarify whether it is 11.31 or 8.99. Board members also discussed the access to the property along Warners Road, where there is 75 linear feet of frontage. It was pointed out that two side streets in the Westover tract dead end at the property line, and should those streets be included in the road frontage total. In answer to Board members' questions, Mr. Carr stated that he assumes the Planning Board has requested permits from the DEC and the DOT. DEC could shut down the project if there is no storm water management plan. The form should list the County DOT, not NYS DOT, on page 8. On page 9, R-5 should state R-3 instead. Board members discussed the traffic that would be generated on Sundays, and the impact on the existing roads, and potential traffic that could be generated by other activities at the church. Mr. Price added that under a Special Use Permit, if the situation changed in the future, the Applicant could be brought back in.

Board members addressed each question under Part 2, what the impact would be, and if it could be mitigated by a project change. Part 3 will only apply if an issue is determined to have a high impact.

Mr. Kilburg made a motion to adjourn the meeting at 10:15pm, seconded by Mr. delaRosa. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
MINUTES  
SEPTEMBER 7, 2004 7:30pm**

**PRESENT:**

George Burke, Chairman	Bill Davern, 3rd Ward Councilor
Bob Feyl, Vice Chairman	Diane Dwire, 5th Ward Councilor
Ron Belle	Approximately 14 others
Joy Flood	
Joe Kilburg	
Don Borsky	Ron Carr, Esq.
Rich delaRosa	

The meeting was called to order at 7:30pm by Chairman Burke with the Pledge of Allegiance. Mr. delaRosa made a motion, seconded by Mr. Borsky, to waive the reading of the advertisement for tonight's Public Hearings. Motion carried unanimously.

**PUBLIC HEARINGS:**

1. Gary Kantak, TDK Engineering TM# 023-02-03  
Pioneer Camillus Development, LLC  
115 Greencastle Street (Anns Grove Subdivision, Lot 19))  
Camillus, NY 13031  
Area Variance – rear yard setback to build new house

Mr. Kantak stated that the model home Pioneer intends to build on Lot 19 will not fit on the property. The lots were subdivided before all the models were determined. The subdivision is zoned R-4, which requires a 30' rear yard setback. However, Lot 19 was recorded as having a required rear yard setback of 16' at the corner point. The Applicant is requesting a 9' variance. Mr. Kantak explained that if the house was moved forward, it would not work aesthetically, because the porch would be too close to the street, and not be in line with the other houses. He stated that Pioneer considered other models for the lot, but this model was their smallest one with a front-loading garage. He pointed out that no re-grading would be needed, thereby maintaining the current drainage swale.

Questions and comments followed from Board members. Mr. Feyl asked if they had received any comments from neighbors. Mr. Burke referred to the letter dated 8/27/04, from Pioneer's attorney to Julia Fletcher of 147 Greencastle Street, in answer to her earlier letter expressing concern about the drainage and the model's close proximity to her home. Mr. Feyl stated that the proposed model would be 7' from the property line. Brenda Wolak, Pioneer's real estate representative, stated that the other neighbors told her they have no problem with the proposal. Mr. Burke raised the question regarding the utility lay-out on the lot. Jason Kantak, of TDK, stated that the porch extending no more than 7' into the front yard setback, is allowed because the subdivision was approved according to Section 278 of the State Code. The proposed location of the house is situated as far forward as it can be, and not interfere with the utility lines. Niagara Mohawk installed the lines beyond the easement, into the front yard.

Mr. Kantak gave Mr. Burke an e-mailed letter dated 9/7/04 from Daniel Fletcher, attorney for Julia Fletcher, which Mr. Burke read aloud. The letter stated that Julia Fletcher is withdrawing her objections to the variance, based on the letter she received from Mr. Danaher, attorney for Pioneer. Pioneer assured her that they and their engineers are not making any changes to the current drainage system. No one spoke in favor of or in opposition to the

variance. Mr. Fletcher was present, and confirmed their withdrawal of any objection. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

2. Anthony Adorante, Esq. TM# 058-04-01.0  
Eric & Mary Kay Bittel  
101 Robinhood Lane, 109 Stanley Manor  
Camillus, NY 13031  
Area Variance – reduce front yard setback on existing shed & addition to clear title

Mr. Adorante stated that recently when Mr. & Mrs. Bittel purchased this property, it was discovered that the northeast corner of the addition extends into the front yard setback. The building permit for the addition is dated 5/17/75. The Applicant is requesting a variance to bring the addition into compliance, and satisfy the title insurance requirements. There is also a shed, set on a tarvia base, that had no building permit issued, but has existed on the property for 10-15 years, and also extends forward of the front building line. He pointed out that the current owner purchased the property as it is, and to have to move the shed would be a hardship, and would reduce the small amount of green space that does exist to the rear of the house. He also noted that surveyors just recently began to mark the building line on surveys, so this is the first time this situation became known. Mr. Burke noted that the original garage area was converted to living space, and the shed was most likely installed for storage of tools, etc. Mr. Burke explained that the proper placement of the shed would be to the rear of the rear building line, so to keep it in its present location, it would require a variance to be forward of the rear building line. There is also a 6' fence around the property, including the front.

Questions and comments from Board members followed. Mr. Adorante stated that the title insurance company only mentioned the two extensions into the front yard setback, and requested that the present owner get a variance to address those. At Mr. Burke's request, Mr. Carr agreed that the Board only needs to address what is noted on the application, which is the front yard setback. Mr. Burke stated that the addition requires a 6' variance at the northeast corner, and the actual variance needed for the shed would allow it to remain approximately 25' forward of the rear building line, and also extend into the front yard setback. Mr. Adorante noted that no neighbors have complained to his knowledge about the shed's location. He also cautioned that the new owner should not make any further modifications to the property, without first consulting the Code Enforcement Officer. Mr. Burke stated that the only two possible alternative shed locations would be to move it straight back about 9' in line with the side wall of the house, so it would be inside the yard, and the fence could be extended around it; or move it behind the enclosed porch.

No one spoke in favor of or in opposition to the variance. Mr. Carr stated that if the shed is allowed to remain in its present location, the variance should address both the rear building line and the front yard setback issues. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

3. Katrine Keller TM# 062-01-02  
Richard C. & Katrine H. Keller Trust  
213 Mallard Drive  
Camillus, NY 13031  
Area Variance – locate shed in side yard, in front of the rear building line

No one was present to represent the Applicant. Mr. Belle made a motion to continue this Public Hearing at next month's meeting on 10/5/04, and Mr. Feyl seconded it. Motion carried unanimously.

4. Amy Coolican TM# 041-01-14.1  
111 Richards Road  
Camillus, NY 13031  
Special Use Permit – home occupation for advertising business

Mr. Burke referred to the Planning Board resolution dated 8/18/04, which states that its review of the application found that no site plan modifications would be needed, or that the intended use would have any adverse impact on the surrounding neighborhood. Ms. Coolican explained that her business is a home-based advertising agency, and she is the owner and only employee. She owns the 2-story house which is 24'x40', of which the business including any storage would occupy less than 25% of the habitable space, or approximately 200 sq ft. There would only be one additional vehicle on the site 1-2 days per week, for clients or delivery purposes, that would not exceed 1 hour. No signage would be installed. The business, which is relocating, is a full-service advertising agency which creates advertisements and purchases print and broadcast media for its clients.

Bill Davern, 3rd Ward Councilor, spoke in favor of granting the Special Use Permit. No one spoke in opposition. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

5. Francis Black, Verizon Wireless TM# 023-01-09.2  
Crown Atlantic Company, LLC  
5656 Ike Dixon Road at cell tower  
Camillus, NY 13031  
Special Use Permit – amend Special Use Permit to install emergency generator

Dennis Burdick, P.E., Real Estate Manager, UPNY Region, for Verizon Wireless represented the Applicant. Mr. Burke stated that the site plan provided shows only a section of the site. Mr. Burdick stated that the side on which the generator would be located is approximately 65-70' from the property line to the south, which is adjacent to an R-3 residential area, and requires a 25' buffer. When the original Permit was issued, the 25' buffer was not required. Mr. Burdick explained that part of the existing fence will be removed, and the new fence will be bumped out approximately 7'. The existing structure is 10' high, and the total elevation of the proposed generator is 8'. The 40-kilowatt generator has a 250-gallon diesel double-walled tank with an alarm, so if there was any leak through the first wall, a cell tower technician would be dispatched. If there were no leaks through the second layer, the cell tower manufacturer would be notified to do the repair. Mr. Burke asked if there would be any retention basin, which there would not be; as the tower is located in the country, and the double wall could potentially be penetrated by a hunter's firearm. Mr. Burdick stated that there would be an 800# emergency sticker posted on the tank. Mr. Burke questioned what the sound levels would be. Mr. Burdick stated that it was found to be 63 decibels 23' away from the generator, similar to the sound of a lawn mower 100' away, which meets the Town Code. The generator would be tested every Tuesday from 9-10am.

Questions and comments followed from Board members. Mr. Borsky mentioned the exhaust that would result when the generator starts up, which would be similar to that of a diesel engine, and would there be any possibility for a brush fire. Mr. Burdick stated that there will be stone underneath the generator, and there are fire extinguishers at the site.

Mr. Burke stated that the original Special Use Permit was issued in 1994, and this proposed amendment would allow for the installation of an emergency generator. No one spoke in favor of or in opposition to granting the amendment. Bill Davern, 3rd Ward Councilor, commented that on any generators he has looked into, the exhaust system is designed to not

interfere with the fuel source; and that the Town Code allows for 90 decibel sound levels. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

6. James E. Smith TM# 039-01-06  
102 Trent Lane  
Camillus, NY 13031  
Area Variance – extend garage into the front yard setback

Mr. Smith clarified that the original side-loading garage is now a kitchen and bathroom. Mr. Burke referred to the pictures and the drawing provided to confirm that the actual footprint of the garage would remain the same. The garage is 18' wide, and the Applicant is proposing to extend it 5' forward in line with the existing front porch, and install a larger garage door (16') so as to accommodate two cars. The existing garage door is 12'. The front auxiliary entry door will be removed, and another door will be installed leading to the porch. Mr. Burke noted that the garage will be quite deep, and Mr. Smith explained that since the house has no basement, he uses the back of the garage as his shop area. The existing garage and house are 24' deep, so the proposed garage would be 29'. The house is more than 35' from the street, and there is an 11' front yard easement. The garage would not be forward of the house next door.

Questions and comments from Board members followed. Mr. Smith explained the construction details of the proposed change. Mr. Burke stated that the variance requested is for 5' to extend a 20' wide garage forward, in line with the existing porch.

Bill Davern, 3rd Ward Councilor, spoke in favor of the variance, and no one spoke in opposition. Mr. Carr clarified that the 11' easement is the right-of-way. With no further questions or comments, Mr. Burke closed this Public Hearing. The Applicant will be notified of the decision within 62 days.

#### **COMMENTS OF THE PUBLIC:**

Bill Davern, 3rd Ward Councilor, thanked Mr. Burke for attending the recent Town Board meeting, where the issue of in-law apartments was discussed, and how to define common accessway. The Town Code states that there must be common use of the kitchen and bathroom. There will be an application before the Zoning Board next month concerning this issue.

#### **COMMENTS OF TOWN OFFICIALS:**

In response to a homeowner who was present from the Westerlea Tract, Mr. Davern suggested that he attend the Public Hearing set for 9/28/04, at which he could speak to the Town Board regarding the proposed Zone Change at the corner of Richlee Drive and West Genesee Street.

#### **NEW BUSINESS APPLICATIONS:**

- 1.. W. Mark McVea TM# 062-06-07.0  
602 Mallard Drive  
Camillus, NY 13031  
Use Variance & Special Use Permit– home occupation

The Applicant is a consulting engineer, and is requesting a Special Use Permit to operate his business out of his home. His lease at his current location will expire soon.

Because he also has one paid employee, a Use Variance would also be required. Mr. Belle made a motion, seconded by Mr. Borsky, to declare this a SEQR Type II action, with no referral, and hold a Public Hearing on 10/5/04 at 7:30pm. At Mr. Carr's suggestion, Mr. Belle modified his motion, to include referral to the Town Planning Board, and Mr. Borsky seconded it. Motion carried unanimously.

2. Ed Walker TM# 055-06-29  
113 Fairwood Drive  
Syracuse, NY 13219  
Area Variance – build family room addition

The Applicant is planning to build a 14'x24' family room addition. It would require a 9' variance on the side yard setback. Mr. Borsky made a motion, seconded by Mr. Feyl, to declare this a SEQR Type II action, with no referral, and hold a Public Hearing on 10/5/04 at 7:30pm. Motion carried unanimously.

3. Dominic Fruscello TM# 048-03-01  
202 E. Kimberly Drive  
Syracuse, NY 13219  
Area Variance – rear yard setback & Interpretation

The Applicant is planning to build a 32'x30' addition to accommodate older family members. It would require an 8' variance on the rear yard setback. An interpretation of the Town Code is also required to determine whether or not it meets the definition of "common" entrance and "common" cooking facilities. Ms. Flood made a motion, seconded by Mr. delaRosa, to declare this a SEQR Type II action, with no referral, and hold a Public Hearing on 10/5/04 at 7:30pm. Motion carried unanimously.

4. Nikolay Kasyanov TM# 043-02-14.0  
213 Patterson Avenue  
Syracuse, NY 13219  
Special Use Permit – home occupation for auto detailing business

The Applicant is requesting a Special Use Permit for a home occupation, to operate an auto detailing business in his garage, one car at a time. Ms. Flood made a motion, seconded by Mr. delaRosa, to declare this a SEQR Type II action, with referral to the Town Planning Board, and hold a Public Hearing on 10/5/04 at 7:30pm. Motion carried unanimously.

Mr. Burke updated the Board on the status of the Camillus Ridge Assisted Living application, and stated that to date the Board has sent two letters dated 6/7/04 & 8/10/04 to the Town Planning Board, asking for their response regarding the pending incomplete application. Mr. Burke stated that he has spoken personally with the Planning Board chairman, Roger Pisarek, who understands that the Applicant is looking for other property to purchase. At Mr. Burke's request, Mr. Carr advised the Board to make a motion to reject the application as incomplete, without prejudice to renew. Mr. Kilburg made a motion to reject the application as stated by Mr. Carr. Mr. Feyl seconded it. Motion carried unanimously. Mr. Carr will send a letter to the Applicant, Planning Board and copy to the Town Supervisor.

#### **MINUTES OF THE PREVIOUS MEETING 8/3/04:**

Ms. Flood made a motion, seconded by Mr. Kilburg to accept the minutes of the 8/3/04 meeting as submitted. Motion carried unanimously.

**VOUCHERS:**

Melvin & Melvin (legal services)	\$ 1050.00
Eagle Newspapers (advertisement)	\$ 53.72
NY Planning Federation (2 registrations)	\$ 170.00

Mr. Kilburg made a motion, seconded by Mr. Feyl, to approve these vouchers. Motion carried unanimously.

**CORRESPONDENCE:**

- Town Planning Board, designate itself SEQR lead agency for Camillus Commons site plan. Mr. Burke made a motion that the Board agrees with this, and directs Mr. Carr to send a letter stating this to the Planning Board. Ms. Flood seconded it. Motion carried unanimously.
- Town of Camillus Agricultural Committee, picnic on 9/11/04
- New zoning maps received for each Board member
- Building Permits for July, received from the Code Enforcement Officer
- Copy of budget for 2005, submitted to Town Board. Mr. Belle made a motion that the Board agrees with what was submitted, and Mr. Feyl seconded it. Motion carried unanimously.

**COMMENTS OF THE BOARD:**

Mr. Burke stated that the Zoning Board Clerk would like to be relieved of her duties as soon as possible, and asked if any Board members know of someone to take over they should let him know.

Mr. Feyl will be absent from the 10/5/04 meeting due to being out of town, and Mr. Carr will miss the November meeting due to surgery.

Mr. Burke referred to the Town Board meeting minutes regarding a proposal, to allow banking in an LBO district along West Genesee Street, which he stated he is against because of the steady banking traffic, even around the clock with the ATM machines. He testified at a Town Board Public Hearing, which was continued. The Planning Board discussed the change, and voted 6-1 against it. The Town Attorney, and others are in favor of the change. Board members discussed the change, including how it would apply to the Westerlea Tract proposal. Diane Dwire, 5th Ward Councilor, stated that some Planning Board members have changed their minds, and the most recent vote on the matter was 3-3. Mr. Burke stated that the courts have not yet addressed the increased number of Special Use Permits for zoning changes, and this change could possibly be considered spot zoning. Mr. Davern pointed out that if the zoning was changed from R-3 to C-1, another type business could locate on the same property if a bank was no longer there. The Town Board would like to avoid that scenario with a Special Use Permit.

**DECISIONS:**

1. Gary Kantak, TDK Engineering TM# 023-02-03  
Pioneer Camillus Development, LLC  
115 Greencastle Street (Anns Grove Subdivision, Lot 19))  
Camillus, NY 13031  
Area Variance – rear yard setback to build new house

Mr. Feyl made a motion to deny the 9’ area variance on the rear yard setback, on the basis that the subdivision is already too crowded. Mr. delaRosa seconded it, stating that the alternative would be a smaller design. Motion did not carry unanimously. Board members were polled as follows:

Feyl	Yes
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Belle	No
Flood	No
Burke	No
Kilburg	No
Borsky	No
deLaRosa	No

Motion failed 6-1; 6 No votes and 1 Yes Vote.

Mr. Burke made a motion to grant a 10' area variance on the rear yard setback, to allow the placement of the house due to the power lines being installed mistakenly beyond the easement. He included the condition that there be no drainage changes at the rear and side yards of the property. Ms. Flood seconded it. At Mr. Kilburg's suggestion, Mr. Burke amended the original motion to also state that the rear building line be parallel to the Greencastle street line, seconded by Ms. Flood. Motion did not carry unanimously. Board members were polled as follows:

Feyl	No
Belle	Yes
Flood	Yes
Burke	Yes
Kilburg	Yes
Borsky	Yes
deLaRosa	Yes

Motion passed 6-1; 6 Yes Votes and 1 No Vote.

2. Anthony Adorante, Esq. TM# 058-04-01.0  
Eric & Mary Kay Bittel  
101 Robinhood Lane, 109 Stanley Manor  
Camillus, NY 13031  
Area Variance – reduce front yard setback on existing shed & addition to clear title

At Mr. Burke's request, Mr. Carr confirmed that the Board can make two separate motions, one for the addition and one for the shed. Mr. Belle made a motion to grant a 6' area variance on the front yard setback at the northeast corner, to allow for the existing addition. Mr. deLaRosa seconded it. Motion carried unanimously.

Board members discussed different possible locations for the shed. Suggestions included that the variance allow the shed to be forward of the rear building line, but behind the existing fence, by a minimum of 3'; and that the shed not be part of the fence and no closer than 10-12' from the front yard setback line. To meet this criteria, the shed would have to be moved. Mr. Kilburg suggested that the shed be allowed to remain in its existing location, based on the fact that it has been there for years; and if it was moved, it could become an eyesore for the neighbors. Mr. Carr pointed out that the variance could allow for that, and include the condition that the variance would expire if the shed no longer existed. Mr. Belle made a motion to grant a variance to allow for the shed to remain as it is, with the condition that any replacement shed would have to conform. Motion did not carry unanimously. Board members were polled as follows:

deLaRosa	No
Borsky	No
Kilburg	Yes
Burke	No
Flood	Yes
Belle	Yes

Feyl Yes  
Motion passed; 4 Yes Votes, 3 No Votes.

4. Amy Coolican TM# 041-01-14.1  
111 Richards Road  
Camillus, NY 13031  
Special Use Permit – home occupation for advertising business

Ms. Flood made a motion to grant a Special Use Permit for the home occupation, and Mr. Belle seconded it. Motion carried unanimously.

5. Francis Black, Verizon Wireless TM# 023-01-09.2  
Crown Atlantic Company, LLC  
5656 Ike Dixon Road at cell tower  
Camillus, NY 13031  
Special Use Permit – amend Special Use Permit to install emergency generator

Mr. Feyl made a motion to amend the Special Use Permit to allow for the installation of an emergency generator on a 4'6"x9' concrete pad adjacent to the existing fenced-in area. Ms. Flood seconded it. Some discussion followed on including a condition to require the recommended green vinyl-coated chain link fence. It was decided not to include any conditions. Motion carried unanimously.

6. James E. Smith TM# 039-01-06  
102 Trent Lane  
Camillus, NY 13031  
Area Variance – extend garage into the front yard setback  
Ms. Flood made a motion to grant a 5' variance on the front yard setback, to allow the Applicant to extend out the existing garage, making it a 2-car garage. Mr. Feyl seconded it.

Mr. Belle made a motion to adjourn the meeting at 10:45pm, seconded by Mr. Kilburg. Motion carried unanimously.

Respectfully submitted,

Cheryl Hevier, Clerk  
Zoning Board of Appeals



Camillus, NY 13031

Use Variance & Special Use Permit: Home occupation

Applicant did not appear. Mr. Burke received an e-mail from the Planning Board stating that the Town of Camillus Planning Board respectfully request an extension for their review of the ZBA referrals and also Tessiano's due to a communication error the applicants were not on the agenda and did not appear. The Planning Board will do their best to expedite referrals as soon as possible. Will continue the public hearing next month. Mr. Belle made a motion and Mr. Kilburg seconded it. Motion carried unanimously. Mr. Carr will notify this applicant that the Zoning Board expects him at the November meeting.

3. Ed Walker TM#055-06-29  
113 Fairwood Drive  
Syracuse, NY 13219

Area Variance: Build family room addition

Mr. Walker stated that the reason for this is because he is going to have a second child and his wife has a dining room set that was left from her grandmother and they do not have a dining room. Thought that since the majority of the houses on Fairwood Drive have additions or they turned their garages into family rooms. He would like to put a family room there so that he can turn his living room into a dining room. According to his drawing it is 14 foot into the side yard and depth of the house. Mr. Walker passed along pictures. Ms. Flood stated that Mr. Walker's house is the only house on that side of the street that has no garage or addition and the four houses from 105 to 111 took out all their garages and turned them into additions. Mr. Belle stated that Mr. Walker would be eliminating part of the driveway and wondered if that was going to create a hardship. Mr. Walker stated that they only have two vehicles and this wasn't going to be a hardship. Mr. Walker will have a front and back entrance to the addition and will park in front of that. Mr. Burke stated that Mr. Walker will wind up with a 9 foot side yard set back on that side and have a 7 foot on the other, and Mr. Walker is looking for 9 foot on the total of 25 foot requirement both meeting the requirement for individuals. With no further questions or comments, Mr. Burke closed this public hearing. Applicant will be notified within 62 days.

4. Dominic Fruscello TM# 048-03-01  
202 E. Kimberly Drive  
Syracuse, NY 13219

Area Variance: Rear yard setback & interpretation.

Mr. Burke stated that Mr. Fruscello is looking for an area variance to the rear yard set back for an addition on the building. He is requesting an interpretation of the code as refers to the use of a commonly used in-law apartment allowing senior members of the family to have somewhat of a private section within a single family residence and this is covered in our code sections 200B.5 and Section 402 (P2). Mr. Fruscello handed out his formal response to the hearing guide questions and spoke to his neighbors around the property and they signed their name on the back. He was trying to help his in-laws

because they have health related issues and the property was deeded over to Mr. Fruscello. Paid the mortgage up and are responsible for all the debts, taxes and obligations. In-laws have life use of the house even if anything catastrophic happened to the Fruscellos. His property on Elm Tree Lane was situated so they could not put an addition on. He sold his house last week. The house is a two-car garage ranch, father in-law has put new siding on along with windows and doors, insulation and heating. The back of the house is approximately 60 feet wide and 36 feet deep. Has had two bushes along with couple of trees removed from the back of the house. Additional dimensions and the setback he is proposing is 32' x 30' or about 960 square feet with a full basement. There will be a common access way through the first floor laundry and also through the basement. There is not a separate outside entrance. There will be a sliding glass door that goes out to the backyard as an emergency exit. Everyone will have to enter through the garage or front door. Mr. Burke stated that it is going to be common occupancy with single utilities – one big extended family.

Mr. Belle asked about the shed in the back – does it have to be removed? It has to be removed (it is on concrete blocks). Mr. McClosky stated that when he installed the shed he inquired at the zoning office, and he found out if you put up any structure less than \$400 and can be removed it did not require a permit. Installed shed in 2000. Mr. Burke stated that when relocating the shed it will need a permit for its relocation. Will be fencing in his yard for his dog. Mr. Burke read letter written by Mr. Chester Bond, whose property at 101 Juniper (65 foot backyard) is directly behind Mr. Fruscello's home, to the Zoning Board in opposition to Mr. Fruscello's addition. The Zoning Board needs to take this into consideration when making their decision.

Mr. Carr had concerns for the future (25 years from now) if and when Mr. Fruscello decides to sell this house; wondered how he was going to list this. His realtor, Mr. Mandano, stated that it will be listed as a single family home not a multi-unit, with an in-law quarters with common usage area with a little bit of privacy. Mr. delaRosa spoke about the plate glass door being the emergency exit, the access to this home is going to be through the current living quarters and is less likely to be a rental area.

Interpretation with the Code Enforcement officer relative to the wording of our code simply allow extended family in section 200B5 Dwelling Unit, Mr. Burke read the code as follows: Building space containing an area designed for residential occupancy with common bathroom and common cooking facilities. By inserting "common" in there, there are many, many single family residence in the town of Camillus that has multiple cooking facilities. The word "common" was adopted to mean that all parties living within the respective dwelling unit has access to all parts of the building. Mr. Carr stated that the applicant presented it as a separate apartment and it is not a separate apartment but separate quarters. The reason it is not a separate apartment is there is common access through the main building, and no separate outside access, no separate utilities into the building, no independent mailing address to the unit obviously a single family unit.

Mr. Davern stated that he signed the petition because he lives 220 feet from this house. He brought this whole situation up to the Town Board Zoning and Planning Committee meeting including all the documents and survey. There was not a member of the Town Board that did not support this application. All agreed that this was a good decision.

Mr. Tom Price, the Code Enforcement Officer for the Town of Camillus had a few points to make regarding interpretation. His first review when he saw these plans when he looked it over saw that common cooking facilities and bathing make for a one dwelling unit. He thought Mr. Fruscello had two cooking facilities. His feeling was that that keeping it as one dwelling unit it was to have the one common kitchen. He does not see common kitchen/bathing area only common laundry and sliding glass door which appear to be a separate entrance. He thinks it could be converted to into a two family unit without any difficulties and no structural changes. He thinks that it needs to be a legislative act to decide whether it is a one family or two family. Mr. Burke thinks this application meets the single family requirements and could stand up in court.

Mr. Fruscello stated that anyone that is doing what he is doing is going to have to go through the same process as he is doing and they are going to have come in front of the Zoning Board and Tom Price. With no further questions or comments, Mr. Burke closed this public hearing. Applicant will be notified within 62 days.

5. Nikolay Kasyanov TM# 043-02-14.0  
213 Patterson Avenue  
Syracuse, NY 13219

Special Use Permit: Home occupation for auto detailing business

Basically he is full time in college and he was detailing cars for almost four years in a detailing shop. He decided to go on his own. He is trying to do 1-5 cars a week and do it in his garage. There is going to be no additional parking space near the house, no signs posted outside of the house, and no additional facilities near the house. He is going to go to the dealership, leave his car there, get one of the cars that needs to be detailed, put it in his garage, detail it and take it back and get another one. Mr. Belle asked what hours he would be doing this operation – he is going to be doing it all day Thursday from 8:00 a.m. to 9:00 p.m. and possibly Tuesday and he can wet sand 3 cars a day that are auctioned off. Mr. Borsky and delaRosa asked if he would bring the cars outside after he does the work. Mr. Kasyanov stated that he would bring the cars outside and wash them or bring them to a car wash. He can give the Zoning Board a list of the solvents he is using.

Mr. Price had a couple of questions about cleaning the engines of the cars and how long it takes to detail a car. Mr. Kasyanov hoses the engines down and takes 3-7 hours per car. Mr. Burke stated that he had a notice from from the Planning Board requesting that the Zoning Board continue this hearing until the Planning Board can reply. Ms. Flood made a motion and seconded by Mr. Belle to continue this public hearing on Thursday, November 4 at 8:00 p.m. Motion carried unanimously.

**COMMENTS OF THE PUBLIC: NONE**

**COMMENTS OF TOWN OFFICIALS: NONE**

**NEW BUSINESS**

Mr. Burke mentioned that the next meeting because of election is Thursday, November 4 and 8:00 p.m.

## APPLICATIONS:

1. Anthony Adorante for TM# 023-02-16.0  
Richard Canestrare  
2220 West Genesee Turnpike  
Camillus, NY 13031

Area Variance: Reduce the required front yard setback from 100 feet down to 71' 6"; a 28'6" reduction.

Mr. delaRosa made a motion to declare this a SEQR Type II action and schedule a public hearing on Thursday, November 4 at 8:00 p.m. Mr. Borsky seconded it and motion carried unanimously.

2. James Frein TM# 065.02-10.0  
100 West Genesee Road  
Camillus, NY 13031

Area Variance: Front yard setback for the purpose of the erection of a 4' addition.

Mr. Belle made a motion to declare this a SEQR Type II action and schedule a public hearing on Thursday, November 4 at 8:00 p.m. Mr. Kilburg seconded it and motion carried unanimously.

3. Michael Villa on behalf of TM# 065.04-13.1  
BTHO, Inc.  
112 Kasson Road  
Camillus, NY 13031

Area Variance: Reduce number of parking spaces for reconfigured building (Raymour Flanigan property).

Mr. Belle made a motion to declare this a SEQR Type II action and schedule a public hearing on Thursday, November 4 at 8:00 p.m. Ms. Flood seconded it and motion carried unanimously.

4. Vernon D. Kauffman (Trustee) for TM# 050.-02-03 (church)  
Fairmount Free Methodist Church TM# 050.02-02 (vacant lot)  
804 Onondaga Road (Route 173)  
Syracuse, New York 13219  
Special Use Permit: Parking lot expansion to allow for church growth.

Per Mr. Burke, attached to the application is an old sketch of the lots as they were and just showing the lot to the north that they want to put proposed additional parking; no layout nor site plan. It is in an R3 Zone and they are operating as non-residential in a residential area as such they need a Special use permit. Special use permits requires the site plan approval by the Zoning Board of Appeals. The construction company has already built an exit way onto Silverlace Terrace and have leveled the parking lot from what it was so that it can be very easily constructed into a parking lot. Mr. Burke suggested that Mr. Carr send back and advise them that we can not accept this

application and until we receive the complete site plan layout of the parking that they are requesting.

Mr. Kilburg made a motion to reject this application and direct attorney to send them a letter telling them that their application is incomplete and they must provide a site plan showing parking spaces, traffic flow, access and egress to the property. Mr. Belle seconded and motion carried unanimously.

**MINUTES OF THE PREVIOUS MEETING 9/7/04:**

On page 8, Robin Hood Lane on the bottom, delaRosa seconded it and motion carried. On page 9, Trent Lane, add motion carried unanimously. Ms. Flood made a motion to accept the minutes as amended, Mr. Kilburg seconded and motion carried unanimously.

**VOUCHERS:**

Eagle Newspapers (advertisement)	\$41.08
George Burke (expenses NY Planning Federation, Lake Placid)	\$747.00
Bob Feyl (expenses NY Planning Federation, Lake Placid)	\$770.92
Melvin & Melvin (legal services)	\$1,575.00

Mr. Kilburg moved to pay the vouchers. Mr. delaRosa seconded it. Motion carried unanimously.

**CORRESPONDENCE:**

1. Code Enforcement sent a copy of the August Building Permits.
2. Copy of a letter from Supervisor to Zoning and Planning committee regarding Wal-Mart encouraging overnight camping in their parking lots. They have advertised it on their web sites.
3. Letter regarding the Church of the Nazarene storm water pollution prevention plan sent to the engineer. Kathy MacRae has scheduled an information meeting on Monday, October 18 at 7:00 p.m. at the Town Hall.

**COMMENTS OF THE BOARD: NONE**

**DECISIONS:**

1. Katrine Keller TM# 062-01-02  
Richard C. & Katrine H. Keller Trust  
213 Mallard Drive  
Camillus, NY 13031

Area Variance: Locate shed in side yard, in front of the rear building line.

She is going to put up a shed to match the house behind the two trees with the door openings facing her house east and is only required to be 5' off the property line. Mr. Belle made a motion to approve it forward rear building line not to exceed 12'. Seconded by Mr. Kilburg and motion carried unanimously .

2. Ed Walker TM#055-06-29  
113 Fairwood Drive  
Syracuse, NY 13219

Area Variance: Build family room addition.

Requires a 9' variance from required total 25' and does not need individual side yard as he will have 9' when he builds out. Mr. Borsky made a motion that the Zoning Board approve the applicant's desire to construct a 14' x 24' addition on the side of his house and to grant the 9' variance, and that it matches the rest of the house. Mr. Brosky made a motion, Mr. Kilburg seconded it, motion carried unanimously.

3. Dominic Fruscello TM# 048-03-01  
202 E. Kimberly Drive  
Syracuse, NY 13219

Area Variance: Rear yard setback & interpretation.

- a. Variance: Ms. Flood made a motion to grant an area variance for 8 feet on the rear setback and Mr. Kilburg seconded it, motion carried unanimously.
- b. Intrepretation being sought is to whether or not what is proposed consitutes a single dwelling unit as defined under the code as opposed to multiple units. Ms. Flood made a motion to accept the additon and meets that criteria as part of a single dwelling unit (common meter, common door, etc.) and does not represent a separate dwelling. This represents a common accessability for a single family residents. Mr. Kilburg seconded it, motion carried unanimously.

Next meeting on Thursday, November 4 at 8:00 p.m. Ms. Flood made a motion to adjourn meeting at 9:45 p.m., seconded by Mr. delaRosa, motion carried unanimously.

Respectfully submitted,

Vicky Quigley, Acting Clerk  
Zoning Board of Appeals



3. Anthony Adorante for  
Richard Canestrare  
2220 West Genesee Turnpike  
Camillus, NY 13031

TM# 023.-02-16.0

Area Variance: Reduce the required front yard setback from 100 feet down to 71' 6"; a 28'6" reduction.

Mr. Burke stated that the ZBA had looked at this a couple months ago and granted a side yard variance and now he wants to move it forward. Mr. Adorante stated that Mr. Canestrare's plan needed a further variance to position the garage as he had planned, forward of the front line of the house. He planned to build it 26 ½' forward of the line that was established for the front of the house, and that takes it into to the setback area on Genesee Turnpike.

Mr. Adorante stated that Mr. Canestrare was remodeling the house and as part of his plans he did want to put a garage on it. Mr. Adorante showed the design moving forward of the front line of the house for two reasons: (1) It is more artistically appealing to have it L-shaped rather than a straight line across (2) If he was to pull the garage back so that the front was even with the house there is a tremendous drop off in the topography as you go back further along that side line. You have to build a substantial foundation to keep the garage on a grade with the rest of the house so that you have easy access from the garage to the house. There is no buildings on the properties immediately adjacent to him so that he is not going to block anyone's view. He will still be a little over 70' away from the street line and somewhat further from the highway itself. Mr. Burke stated that the garage he is proposing requires a 29' front yard variance to allow the building of a 24' wide and 40' garage connected to the house. With no further opposition, questions or comments, Mr. Burke closed this public hearing. The Applicant will be notified of the decision within 62 days.

4. James Frein  
100 West Genesee Road  
Camillus, NY 13031

TM# 065.02-10.0

Area Variance: Front yard setback for the purpose of the erection of a 4' addition.

Mr. Burke stated that this request is for a 4' variance to the front setback to allow a bump out of the existing building. Mr. Frein stated that he has lived in this house for 26 years and has changed most of the house on the inside. He is looking to build out the master bedroom without making a huge change by taking down interior walls to keep it a three bedroom and it is much easier and much more cost effective to build on the front of the house 4'. He has a 54" overhang in the front of the house and he does not have to touch any roof structure. He wants to improve the quality of the living space. With no further questions or comments from the audience, Mr. Burke closed this public hearing. Applicant will be notified of the decision within 62 days.

5. Michael Villa on behalf of  
BTHO, Inc.  
112 Kasson Road  
Camillus, NY 13031

TM# 065.04-13.1

Area Variance: Reduce number of parking spaces for reconfigured building (Raymour Flanigan property).

Mr. Burke stated that the ZBA received a request for an area variance to allow a reduction in the required number of parking places for the proposed redeveloped site. When this application was presented it appeared that they had an approved site plan. There are two ways that it can be approved: (1) Legal non-conformity – that building as well as the apartment complex behind it do not meet all of today's standards for setbacks and buffering, however, their development predated those requirements in the code today, and as such as it stands right now that building is legally non-conforming. There has been for many years and revised as late as 1984 covenants with definite restrictions. The only people that can change the covenants on a property is the Town Board, the legislative body of the town. Mr. Burke found that although they had that on their agenda a week ago, the minutes he received today, they say they have tabled it and it will not be decided until next month some time. The Zoning Board of Appeals is not in a position to take action until that is dealt with. (2) Mr. Burke found out that the site plan that was presented to the ZBA was not approved by the Planning Board. In the Town of Camillus the Zoning Law in chapter 30 (C2 Zone since 1998) requires that anytime the footprint or build out of the property is changed, it requires a new site plan review and site plan approval by the Planning Board in the Town of Camillus. The Planning Board's hands are tied as they can not approve any site plan changes until the Town Board deals with the covenants. If the covenants as they are right now are not removed that property is going to sit forever more because one of the covenant says it can only be a furniture store. One thing missing on the application is the identification of R4 residential to the west on the SEQR form.

Mr. Burke stated that the building is 20,000 sq. foot right now and they plan to remove the easterly 10,000 sq. foot providing an expanded parking lot on the east side (Kasson Road). Mr. Villa is proposing a 10,000 sq. ft. building. Will have 5 parking spaces next to the post office and 45 parking spaces in the front area and 9 existing to the rear. There is 3 1/2' of greenery on the front (Kasson Road) and will expand it to about 13 1/2'. Will not change driveway cuts. The plan was modified to add an island in-between the second and third tier of parking. This is a two story building with a basement. The intention is to take the 10,000 sq. ft. building, use the parking for a 4,500 sq. ft. pizzeria, sit down restaurant with no alcohol served (6,000 sq. foot for commercial and 4,000 of food service with 3,200 to 3,600 sq. ft. for food preparation – 4 tiers of parking, 4,000 sq. ft. restaurant located on the north side, 6,000 for general commercial).

Mr. Kilburg asked about the exit and entrance being exit only and entrance only. Will be both so they have egress on the north entrance for the apartments. Planning Board is considering a traffic light at the entrance way and another light at the post office. Mr. Borsky asked if they were planning any kind of a drive thru and the answer was no. Also asked about where the snow was going and the answer was that it will be removed from the site. Mr. Belle asked about the hours of operation during the week - will be open at 10:30 a.m until 10:00 p.m. and Friday and Saturday will stay open until midnight. Lighting will be in the back area of the building, employees parking, and in the front area will have three lights shining down. The front of the building will have a couple of lights as well. Parking on the south side will be parrallel parking and in the back will be a buffer zone (8 ft. wide). Ron Belle asked about the grease trap and it will be in the ground as approved by the County.

Mr. Feyl does not want to see the people give their testimony “now” and then to the Town Board because of covenants, and then to the Planning Board because of no site plan and then come back in and give testimony again. Will continue public hearing until Zoning Board gets all their answers. Will not make a decision tonight. When both Town Board and Planning Board act, we can then make our decision. We can decide on the number of parking places after the site plan has been approved.

Tom Geiss, 118 Flint Path is in favor of the variance as may be required to allow a restaurant as commercial. Robert Pischott, 115 Wood Heights Drive, is also in favor of this project. Both are residents of Camillus.

Vern Stephens thought this hearing was totally out of line. Per Mr. Burke this was presented in good faith and to continue this public hearing. Diane Dwire stated that this application was on the Town Board agenda. Shelly Smith, 211 Peterson Drive, stated that she is responsible for the Town Board postponing their decision. The day of Town Board meeting at 6:00 p.m. she learned that they were going to be discussing changes to the Raymour building and asked the Board if they would postpone their decision until they were able to speak and informed the residents. Mr. Villa said an informational meeting was held at the Town Hall last Monday night and presented his information and also told them that he would be coming for here for a zoning variance. She informed her neighbors what was going on and asked them to come to this meeting and also passed out a petition. Diane Dwire also sent out a flyer in mail boxes. She had a overwhelming response to the fact that they do not want any zoning variances granted on this property. They went to 30 homes and got 42 signatures. “Whereas the planned development of a restaurant in the former Raymour’s property on Kasson Road will likely cause traffic problems and significantly higher counts of vehicles entering and exiting the premises as well as cause objectional noise from the traffic, delivery and garbage trucks. Will increase the potential of disagreeable odors from food refuse containers and unacceptable sound that ventilation and equipment will cause. We the undersigned Camillus residents respectfully request that the Camillus Zoning Board not remove any covenant”. Mostly concerned about the parking restrictions being levied, green space being removed, and asking for lot restriction.

Mr. Feyl wanted to know what would the neighbors like to see put in this building. Janet Farrelly, 117 Genesee Road, stated that she would like to see another furniture store. Ms. Smith stated that she would go for a smaller restaurant according to the codes so that the parking is in conformity.

Vicky Christo, 120 Thorton Circle North, owns the apartment building. The apartments were built before the furniture store and Mr. Gallino built that building specifically to be a furniture store to be limited use and not to bother the people in the back. Mr. Gallino also developed Peterson Road and Gallino Drive.

Janet Farrelly stated that she checked with her residents because already there is a pizza store right next door at Ceasars and kids come in, they loiter all over, and she has been picking up glass, pizza boxes and stuff from the property now because she has been cleaning the property. She is very concerned about that and asks the Zoning Board to please take into consideraton that this is residential and she knows people want it developed but we have to be concerned about our town and let’s do it right. She

asked if you can get fire engines around that building? Mr. Burke assured the group that the Planning Board will be looking at the emergency access and egress.

Mr. Feyl asked the residents if they were happy with what is there, it is a building that is 30 – 40 feet off the road with 6 or 7 parking spaces in the front or these people are willing to tear half the building down, improve the looks, what would they rather see in there.

Shelly Smith said they would like it handled correctly without removing any of the zoning variances to protect them from the noise from the ventilation of the delivery and garbage trucks. Mr. Christo stated when the property line is finally clarified, we have a foot or two of green space. The nearest apartment unit (No. 1) is 30 feet from his property line. He stated that 50 percent of his tenants are seniors and they are in bed at 9-10 p.m. at night. He wants this to conform with the area and does not disrupt the quality of life in the immediate area. Midnight to him is not acceptable. He stated that Raymours refused to sell the property to a furniture store. If the Town Board removes the covenants, then the Planning Board will address such things as dumpster placements, driveway, egress, emergency, lighting, etc. This is all part of the site plan review. Once they decide those things, what is not in compliance with the code will be identified and referred to the Zoning Board of Appeals for consideration of variances.

Diane Dwire stated that this will be on the Town Board agenda on Tuesday, November 9, regarding the covenants. She sent out a flyer asking people to come to the meeting. Some of the residents were not concerned about parking, they were concerned about the potential road going thru West Genesee St. Mr. Burke stated that they will continue this public hearing in December, and if there is no action by the Town Board and Planning Board ZBA will continue it in January. Kathy McCrea stated that this is on the Town Board agenda and is not certain that they will be voting on it. It is very important that the residents attend this meeting. Mr. Belle made a motion, seconded by Mr. Borsky to continue with this public hearing to December 7. Motion carried unanimously.

**COMMENTS OF THE PUBLIC: NONE**

**COMMENTS OF TOWN OFFICIALS: NONE**

**NEW BUSINESS: NONE**

**APPLICATIONS:**

1. Vernon D. Kauffman (Trustee) TM# 050.-02-03 (church)  
On behalf of TM# 050.-02-02 (vacant lot)  
Fairmount Free Methodist Church  
804 Onondaga Road  
Syracuse, NY 13219

Special Use Permit: Parking lot expansion to allow for church growth.

Mr. Burke stated that they discussed this at the last meeting and had to reject it at the time for the lack of information. The Fairmount Free Methodist Church has sent in the

site plan for the actual parking and now have a complete application. Mr. Borsky made a motion, seconded by Mr. Kilburg, to declare this a SEQR Type II action to hold a public hearing to amend the special use permit allowing increase parking lot and send a referral to the Planning Board. Motion carried unanimously.

2. Jennifer L. Barrett, Charles Signs TM# 65.-04-10.0  
On behalf of  
Partners Trust Bank  
100 Kasson Road  
Camillus, NY 13031

Area Variance: PTB would like to add an illuminated sign on the end-cap of the drive thru facing West Genesee Street for better identification of the bank.

Mr. Belle made a motion, seconded by Mr. Kilburg, to declare this a SEQR Type II action and hold a public hearing on December 7, 2004 at 7:30 p.m.. Motion carried unanimously.

### **MINUTES OF THE PREVIOUS MEETING 10/4/04:**

Mr. Feyl made a motion, seconded by Mr. Kilburg, to accept the minutes as written. Motion carried unanimously.

### **VOUCHERS:**

Eagle Newspapers (advertisement)	\$35.95
Membership NY Planning Federation (Dues 2005)	\$75.00
Melvin & Melvin (legal services)	\$1,250.00
*Pay voucher for Board members	\$7,629.00

\*Mr. Kilburg made a motion, seconded by Mr. Feyl, to approve these vouchers. Motion carried unanimously.

### **CORRESPONDENCE:**

The Zoning Board did get a copy of the Town Topics, CEO report of building permits for the month of September.

Planning Board requests designation as the lead agency for the development of Walgreens at Hinsdale and West Genesee. Ms. Flood made a motion, seconded by Mr. Kilburg, to designate the Planning Board as the lead agency in the Walgreens property. Motion carried unanimously.

### **COMMENTS OF THE BOARD:**

Ms. Flood made a motion, seconded by Mr. Kilburg, to accept Cheryl Hevier's resignation. Motion carried unanimously.

Mr. Borsky made a motion, seconded by Mr. Belle, to recommend to the Town Board the appointment of Vicky Quigley as the Zoning Board of Appeals Clerk for the remainder of this year. Motion carried unanimously.

Reminder at the December 7 meeting we are going to be looking for recommendations for the attorney, clerk, chairman and Don Borsky (5 year appointment).

**DECISIONS:**

1. Anthony Adorante for TM# 023.-02-16.0  
Richard Canestrare  
2220 West Genesee Turnpike  
Camillus, NY 13031

Area Variance: Reduce the required front yard setback from 100 feet down to 71' 6"; a 28'6" reduction.

Mr. Burke did not see anything different than what was presented three months ago. The Town Board was emphatic that they want the double setback on arterial roads. Mr. Feyl made a motion, seconded by Ms. Flood, to approve the variance as noted to give Mr. Canestrare his 28.6' setback variance. Motion failed 2/4 votes.

Vote: Feyl	No
Belle	Yes
Flood	Yes
Burke	No
Kilburg	No
Borsky	No
DelaRosa	Absent

Mr. Feyl made a motion, seconded by Mr. Borsky, to deny the request for a front yard setback (100' to 71.6') variance on the garage at 2220 W. Genesee Turnpike. Motion carried 5/1 vote.

Vote: Feyl	Yes
Belle	Yes
Flood	No
Burke	Yes
Kilburg	Yes
Borsky	Yes
DelaRosa	Absent

2. James Frein TM# 065.02-10.0  
100 West Genesee Road  
Camillus, NY 13031

Area Variance: Front yard setback for the purpose of the erection of a 4' addition.

Mr. Belle made a motion, seconded by Mr. Kilburg, to approve the 4' front setback variance. Motion carried unanimously.

Next meeting on Tuesday, December 7 at 7:30 p.m. Mr. Kilburg made a motion, seconded by Mr. Feyl, to adjourn meeting at 10:00 p.m. Motion carried unanimously.

Respectfully submitted,

Vicky Quigley, Acting Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
MINUTES  
Revised December 7, 2004 7:30 p.m.**

**PRESENT:**

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

Kathryn MacRae, 2nd Ward  
Jim Salanger, 4<sup>th</sup> Ward

Approximately 28 others

Ronald Carr, Esq.

The meeting was called to order at 7:30 p.m. by Chairman Burke with the Pledge of Allegiance. Mr. delaRosa made a motion, seconded by Mr. Borsky, to waive the reading of the advertisement for tonight's Public Hearings. Motion carried unanimously.

**PUBLIC HEARINGS:**

Continued from 11/4/04

1. Michael Villa on behalf of TM# 065.-04-13.1  
BTHO, Inc.  
112 Kasson Road  
Camillus, NY 13031

Area Variance: Reduce number of parking spaces for reconfigured building (Raymour Flanigan property).

This is a continuance at last month's hearing, the testimony taken, and there was a problem with the proceeding with the ZBA case that has to do with variances for parking. Two good reasons are: (1) There was found at the time of the application and the public hearing that there were covenants on that property and the Town Board was in the process of dealing with them. (2) The case was referred by the ZBA to the Planning Board because we found that their site plan had not yet been approved. Until we had an approved site plan and knew exactly what the covenants were there would be no action. Mr. Burke understands from the Town Board Minutes that the Town Board has changed the covenants on the property removing a principal condition which said at the time that no business other than furniture store could go on there. This has taken care of the Town Board's action regarding the covenants. However, the Planning Board is still in the process of working on this case and by phone conversation with their Chairman, he asked that we continue this public hearing until January as they hope to have resolved the issue of the site plan by then.

Don Christo, 126 Thorton Circle N., Camillus wanted to bring to the board's attention at the last Town Board meeting there was a gentleman on the board at the time when the

Raymour and Flanigan building was built with those covenants because they knew that building was going in front of residential properties and their intention at that time was to put in a restricted operation there that would not disrupt the quality of life for the homes in that area.

Ms. Flood made a motion, seconded by Mr. Belle to continue this public hearing to January 4. Motion carried unanimously.

2. Vernon D. Kauffman (Trustee)                      TM# 050.-02-03 (church)  
On behalf of    TM# 050.-02-02 (vacant Lot)  
Fairmount Free Methodist Church  
804 Onondaga Road  
Syracuse, NY 13219

Special Use Permit: Parking lot expansion to allow for church growth.

Mr. Borsky was excused from this public hearing because personal interest in the neighborhood. Mr. Burke stated that this hearing is to decide whether or not a special use permit can be revised to allow the expansion of the parking lot. The church is a non-conforming use in a residential district as are most of the churches in the Town of Camillus. Under the town law they can operate in a residential district. In doing so, we must determine the minimum number of parking places and make sure that is attained. There is no maximum limit on the number of parking places a church can have. Does the traffic flow meet the requirements of Article 9 in our code that has to do with dimensions, size, turning areas, and the general dimensions overall of the parking. Is there buffering and screening in compliance with Section 10 of the code, is the property properly screened and buffered. Right now, the Planning Board is reviewing this proposal and they will make recommendations relative to those issues on the site plan. Following that the ZBA will review the Planning Board recommendation, listen to any pertinent public information they receive at these public hearings or in writing, and then they will make a decision on the facts presented. Mr. Burke has heard a lot about the monument. This monument has nothing to do with the issue before us. The ZBA is only interested in the expansion of the parking in issuing the revised special use permit. It does have everything to do with the buffering, the layout, and the traffic flow and the size of the number of parking spaces. Mr. Burke had a request from the Planning Board that they would like this continued. When the church made their presentation, they did not have all the necessary facts relative to square footage of the building, the maximum occupancy, and other such necessary information that would determine the number of spaces required. The church has been instructed to bring that back to them. The Planning Board has requested that the ZBA delay any decision they have until such time as they can make their recommendation.

Mr. Jeff Lauffer, 5012 N. E. Townline Road, Marcellus, NY, (Trustee) was not aware of the number of facts that the ZBA was going to need to make their decision. He is in the process of building a presentation for that. Regarding the monument, he feels it is necessary to enter into public record that he was told at the Planning Board meeting by Jim Salanger that if this wall was rebuilt, that he would get the permit for this parking lot. After Mr. Salanger made that statement, Mr. Lauffer approached the Town of Camillus Police Department and they recommended that he take it to the Federal Authorities, which he has done. Mr. Burke stated that if Mr. Lauffer feels that there is anything out of line with the Town of Camillus Governmental structure he should report it to the

Supervisor. There is a board of ethics and if he feels offended he has every right to go and inquire of them. The Planning Board gave Mr. Lauffer a list of what they are looking for, and what the ZBA needs to know what is the maximum capacity of that building, square footage (7500), and also some additional parking which is not shown clearly on the drawing he submitted to the ZBA such as handicap parking should be shown, and anything else that the Planning Board has requested.

Mr. Belle stated that he has served for eleven years on the Town Board with Jim Salanger and found he was very creditable and he finds it hard to believe. Mr. Salanger, 4<sup>th</sup> Ward, stated that he does not know how to respond to Mr. Lauffer because he was in a group of people when Mr. Lauffer approached him after the meeting last week and does not think he has to defend himself in front of the people that listened to the entire conversation. He never tried to influence anybody's opinion on any board in this town. He might have stated opinions and facts as he sees them or bringing a community of people together in response to an issue. He thinks it is indicative of the last willingness perhaps on this organization to really come forward to present the facts, be ready to approach the issues and to work with the neighborhood. He submitted a petition that was filed with the Town Clerk of Ivy Lane and Silverlace Terrace residents. Over 85% of the people are opposed to the expansion of the parking lot, there are number of issues such as buffering, etc. When the community comes out in terms of opposition to an issue, they come here this evening, he does not think there is a lack of integrity in bringing this issue before the ZBA, and addressing it in the fashion as they do.

Loren LaRue, 105 Silverlace Terrace, has lived here 30 years and read a statement from the residents of Silverlace Terrace and Ivy Lane who are opposed to allowing the Fairmount Free Methodist Church parking lot at the corner of Onondaga Road and Silverlace Terrace.

“Background: (1) In 1962, at the entrance to Silverlace Terrace from Onondaga Road (Rt 173), an identifying brick wall was built on both the north and south sides of Silverlace Terrace by the original developers of the tract. Its purpose was to serve as a distinctive entry into the then new Terrytown Heights development. For 42 years it has served in this way. During the improvements to Onondaga Road in the summer of 2004 the south wall was demolished, apparently with the approval of the Fairmount Free Methodist Church who became owners of the property in the 1970's. That the wall itself was on private property came as a surprise to most residents of Silverlace Terrace and Ivy Lane (which comprise Terrytown Heights) believing it was build on an easement from the Town of Camillus. Evidently, there are no written records of its construction.

(2) The present grassy field extending from the church parking lot to Silverlace Terrace has served as a site for church social activities and as a buffer from the heavy traffic on Onondaga Road for decades. Now, the church is requesting an extension of the parking area northward to Silverlace Terrace.

The residents feel this extension would seriously jeopardize the residential character of the neighborhood and decrease property values. In light of the presently uncrowded condition of the parking area – an average of 21 cars at services, with ample space for 12 to 15 more – the residents feel this enlargement is unwarranted. What's more, this grassy lot has already been rough graded and appears ready for paving. The residents

of Terrytown Heights (85%) vigorously oppose the granting of a variance allowing parking lot extension of Silverlace Terrace.

Now, in the spirit of neighborliness and the desire to maintain residential character and property values in this good neighborhood, the residents respectfully request the Zoning Board deny the variance and ask that the brick wall be restored as much as possible, with the cooperation and encouragement of the Terrytown Heights homeowners.”

Ruth Borsky, 104 Silverlace Terrace for 39 years read the following: “I have raised my children in this residential neighborhood and am presently seeing a resurgence of young children in the neighborhood of Silverlace Terrace and Ivy Lane.

Everyone who lives here or is familiar with the area recognized the distinctive entrance to our neighborhood by the stone monument facing Onondaga Road and Silverlace Terrace. The grassy area behind the monument has always served as an unofficial playground site that kept the children off the road and in a safe area.

Since the monument/wall has been torn down, and the grassy area has been roughed in as a large parking lot, I feel that the area has been turned into an “out-of-place” commercial area in our residential neighborhood. In addition, a driveway has been constructed along the western portion of the property connecting the present church parking lot to Silverlace Terrace, creating a potential road hazard.

I have, personally, observed and counted cars in the church parking lot. During the summer months, I have seen an average of only 17 vehicles parked in the lot for Sunday services and about 23-24 vehicles during the month of October. Since there are no stripes indicating parking place, the present lot is not used in an efficient manner. I have further observed, from time to time, that in the present church parking lot, which faces a major well traveled highway, there have been tractor trailers, campers/recreational vehicles, Niagara Mohawk trucks and assorted construction vehicles left overnight. An expanded parking lot might encourage more of this illegal parking. Thus, I am opposed to an expanded parking lot by the Fairmount Free Methodist Church, and I am for the restoration of the monument and the grassy area.

As an addendum, if the Zoning Board does approve the parking lot expansion, I would like to recommend that the Board put a stipulation in the approval to say that if and when the Church property were to be sold, the expanded parking lot would be converted back to the original grassy area conducive to our residential neighborhood. I believe that if this is not done, the property would become very attractive to potential commercial development and not in keeping with our residential profile.

Thank you for your consideration.”

Ken Osborne, 120 Silverlace Terrace, who lived there 42 years, asked why the Fairmount Free Methodist Church needs to expand its parking lot to make it bigger. Mr. Burke stated that the Town Board has decreed by law that a non-residential use is permitted in a residential area under certain conditions meeting certain criteria and obtaining a special use permit from the ZBA. The ZBA’s responsibility is to see that all setbacks are met, it is properly buffered and that the negative impact is diminished as much as possible. In conjunction with the public hearing the ZBA is obliged by Town law to send a copy of that application to the Planning Board. The Planning Board is obliged

to evaluate the request and determine what they see as potential problems relative to site plan issues. Then offer their professional opinion what should be done in the form of a formal recommendation sent to this board. The ZBA has the power to grant a special use permit and are obliged to send it to the Planning Board for their evaluation and recommendation. When that is taken, then they take the opinions anything in writing or public hearing, evaluate it and make a decision on it with the intent that recognizing the rights of property owners to do certain things but also imposing on them all necessary restraints to mitigate any negative aspects on the neighborhood. Mr. Burke also stated that the church is not expanding. What we did not receive from them is the amount of usable square footage in the building and that drives the occupancy rate which the code enforcement officer can determine and the occupancy rate then relates to code as to how much parking. He suspects that this church with the existing parking lot they have right now probably does not meet the code for parking today. By looking at the size of the building (7,500 square foot building) and that is what we are going to relate to. Mr. Osborne also stated that this is the second time this church has asked for a variance. The last time for a sign they needed to put up. The parking lot is there as they had it blacktopped. It has no lighting, in an area away from the parsonage of the church. There is no one to supervise what goes on in that parking lot. Are they going to use it for recreation, fundraising, outside church related activities, etc.? Mr. Osborne is against the expansion of the parking lot.

Dave Abert, 101 Ivy Lane, his residence is behind the parking lot, has dealt with these people for some time. There is going to be a major increase of fumes from the cars in the parking lot. He is totally against it.

Tom Gulgert, 107 Ivy Lane, stated that he and his wife Lori have lived at this address for 21 years and their property is right behind the church and from their back window they can see the parking lot. For the past 21 years the paved parking lot has been sufficient in size for accommodate the congregation. When this church was built there were a certain number of parking spaces allowed so they all purchased their homes; now with the code changes the parking lot can be increased. Presently, there is nothing indicating a particular need for increased parking lot.

Marion McCullough, 102 Ivy Lane, would like to know if the Fairmount Free Methodist Church had permission to take that extra parking lot they had paved and are using. She goes by there every Sunday and the parking lot is never full with cars so there is no need for an extra parking lot there.

Jim Salanger read the following statement by Barbara & Frank Lipari, 100 Silverlace Terrace, Camillus regarding the additional paved parking area at Fairmount Free Methodist Church: "My wife and I have six years invested in our home at 100 Silverlace Terrace. Many of neighbors have 30 years or more invested in their properties. All the properties are maintained at levels that protect and enhance property values. We are just one of the 85 or so people that will be affected by the parking lot.

"Our major concern is that we are directly facing the lot at the north end. We would like our concerns entered into your minutes.

1. "No entrance will be allowed onto Silverlace Terrace.

2. The buffer area surrounding the paved parking lot and especially on the north end (Silverlace) is properly landscaped, including trees that meet the planning and zoning codes.
3. The entrance wall to our neighborhood that was destroyed by Barrett or asked to be removed by Fairmount Free Methodist Church be replaced to match the existing entrance wall on our property.
4. The proposed new additional parking lot as well as the existing lot meets all the town codes.
5. When (if) the Zoning and Planning Boards approve the plans for additional paved parking areas for Fairmount Free Methodist Church it will do so that our neighborhood property values will not be jeopardized presently or in the future.
6. If for some reason additional paved parking area is not going to happen in the near future, Fairmount Free Methodist Church will still be required to comply with code landscaping on the north end of their property and also address landscaping and the entrance wall on Onondaga Road.
7. It does concern us that documentation at the time the walls were built and their intended purpose has not been recorded. If, for example, the wall on our property is damaged or deteriorates in appearance, is it our responsibility to the community to repair it? We would like to hear the Board's view on the entrance wall."

Ken Osborne stated if the parking lot is approved or not approved what happens to it, does it just sit there. Mr. Burke stated that it is up to the property owner what they are going to put in front of the code enforcement officer as a site plan approved (grass, bushes, parking lot, etc.). According to Tom Price, The Fairmount Free Methodist church did not put the grass on top of what is there, they did not pave it either and it not a parking lot right now. Mr. Burke stated that the issue before the ZBA is do we, under the terms of the legislation of this town, allow an expansion of their parking lot.

Mr. Feyl stated that this is part of application from the church and he knows what is physically there. He said it does not look like the diagram which is the proposed church parking lot. If the existing parking lot, including that little addition on the side, looked like this then it is a parking lot. The present time what is there does not look like this. The ZBA has to base it on what they are given not what you think is there So he agrees with Mr. Price what is presently there is not a parking lot.

Mr. Lauffer (Trustee) stated that how the parking lot is currently laid out there is an area of slanted parking in the middle of parking lot. It is very difficult as they have older members who have trouble backing out of the spaces and the cars are very close together and have had a few accidents. They want to make the parking lot more modern, have more modern spacing, and be more in code. Their maximum occupancy in the building is 240. They want to do substantially less than 60 spaces with aisles that are adequately spaced for people to easily egress. When they have special events such as a wedding or funeral, they have an agreement with the school down the street that any overflow parking of the church goes there which only happens two or three times a year. Regarding the first two people who spoke, their statements surrounded this monument (wall). When they make statements that implies that they are not going to let the church do something and oppose them, it is illegal and coercion and is against the law. Fairmount Free Methodist Church is not going to succumb to that kind of pressure.



the wall dimensions. Partners Trust Bank acquired BSB bank and have identified the Camillus area as an area they are looking to expand into. With the survey of the facility they saw this as a corner lot on West Genesee Street for visibility as well. Currently with the present configurations there is no exposure on West Genesee Street and if they hope to expand their business they would like to put this sign on the drive-thru canopy. The delay of the dimensions was caused because the owner of the plaza could not produce the survey and they had tremendous trouble getting it. The sign on the east wall will be the same size 33.72. Mr. Burke stated that this has all significance of a corner property because you can access this bank from West Genesee or Kasson Road and it makes sense to have a signage on the canopy which is most exposed area to people on West Genesee Street. What they are proposing to put on there is approximately 32 square foot and by code 64 square feet is allowed.

Mr. delaRosa wanted to know what they are showing is the front of the building which is 40 feet and that just this particular section of the building as the building is much longer in size. Mr. Borsky when looking at the property he noticed they are converting the gas station at the corner of Kasson and West Genesee into a sandwich shop. He was wondering if anyone could say what this location might have towards covering up the sign by changing the roof line of this gas station or what is the implication for the proposed sign they want to put up. The proposed sign will not be covered up with the sandwich shop going in as there is clear view of the sign from Friendly's for quite a distance. Mr. Borsky was also concerned about the lighting/illumination, are they going to have a sign that is going to blast the whole neighborhood and the ZBA might hear complaints.

Mr Hickey passed out the way the sign will look, has a opaque face and it is internally illuminated, very conservatively lite and on a timer, it is very eye catching, it is very different, the sign will stand out and is not blinding. Mr. Kilberg wanted to know that this picture is an illustration of what they are intending to place on the north facade of the drive-thru canopy and what to they expect to use on each side of the bank building. East side of the bank building is the landlords required sign.

Mr. Feyl stated that if the ZBA considers this as a corner lot and they are authorized 100 square feet and 80% of their business is done on the side and 20% in the front door and because it is a corner lot there is no need for a variance. The Planning Board approved the facade of the existing shopping center and whether or not they can have linear of the face and that in conjunction with a free standing sign not to exceed 100 feet. When Marshall's came in for a sign the ZBA did not allow a Marshall's sign to be put on facing Wegman's because there is no door on that side. If we consider it part of the front then there is no need for a variance and Mr. Feyl is not sure why the ZBA is giving a variance. Mr. delaRose stated that on the front is where the address is. Ms. Flood asked if mall owner decides to erect a free standing sign, then the mall owner needs to come in for approval.

Mr. Burke stated if the ZBA is going let PTB put a sign on the side of the building 32-33 feet and no matter what happens to front of that building it won't disturb this. Rich delaRosa asked if we look at this as a corner lot, what happens if they do something to West Genesee Street and they put up another building, then it is no longer a corner lot and he prefers to treat it as an area variance and not as a corner lot. Mr. Feyl asked if the ZBA establishes this a corner lot and does meet code according to the code enforcement officer then there wouldn't be any point in the variance and Mr. Price would

go back to his office and issue a sign on the canopy. Definition of a corner lot: Building situated upon lots with frontage on more than one street are allowed with permitted signs for each street frontage. The permitted sign may be placed on all building frontage, however, there area may not be combined to increase permitted signs. Mr. Burke declared this public hearing closed and the decision will be rendered and the applicant will be notified within 62 days.

4. Continued from 11/4/04

W. Mark McVea  
602 Mallard Drive  
Camillus, NY 13031

TM# 062.-06-07.0

Use Variance & Special Use Permit: Home occupation to conduct Engineering consulting business with non-resident employee.

Mr. McVea has been elusive for three months. Attorney has sent letters to him. Mr. Feyl made a motion, seconded by Mr. Belle, to dismiss this application for failure for appearance. Motion carried unanimously.

**COMMENTS OF THE PUBLIC: NONE**

**COMMENTS OF TOWN OFFICIALS: NONE**

**NEW BUSINESS:**

**APPLICATIONS:**

1. Brian O'Hara  
5491 Munro Road  
Camillus, NY 13031

TM# 027.-03-04.0

Area Variance: Proposed garage – accessory building is forward of the rear building line.

Mr. Feyl made a motion, seconded by Mr. Belle, to declare this a SEQR Type II Action and to schedule this public hearing on January 4. Motion carried unanimously.

2. William Duke  
5987 Belle Isle Road  
Syracuse, NY 13209

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

Special Use Permit: Requesting a special use permit to operate a plumbing business.

Mr. delaRose made a motion, seconded by Mr. Feyl, to declare this an unlisted SEQR action and to schedule this public hearing on January 4. Motion carried unanimously.

**MINUTES OF THE PREVIOUS MEETING 11/04/04**

Mr. Borsky's name was spelled wrong on pages 6 and 7 and is being corrected. Ms. Flood made a motion, seconded by Mr. Kilberg, to accept these minutes. Motion carried unanimously.

**VOUCHERS:**

Eagle Newspapers Advertising	\$28.84
Melvin & Melvin Legal Services for November	\$1,070.00

Mr. Feyl made a motion, seconded by Mr. Borsky, to pay these bills. Motion carried unanimously.

**CORRESPONDENCE: NONE**

**COMMENTS OF THE BOARD:**

Mr. Borsky read from the minutes of Planning Board of Nov. 8, 2004, under correspondence, a letter was received from Mr. Borsky regarding the monument at Silverlace Terrace which is not correct. He only sent copies of petitions to the Planning Board, Zoning Board, opposing the driveway. Mr. Burke told Mr. Borsky to let his comment be known to the Planning Board.

Calendar for next year: Will continue meetings at 7:30 on the first Tuesday of the month except October 4 (Rosh Hashanah) and the room is available to the ZBA October 6 and will be held that day. Will not have to change the ZBA meeting because of election day. Mr. Borsky made a motion, seconded by Mr. delaRosa as stated above. Motion carried unanimously.

**DECISIONS:**

1. Jennifer L. Barrett, Charles Signs TM# 65.-04-10.0  
On behalf of  
Partners Trust Bank  
100 Kasson Road  
Camillus, NY 13031

Area Variance: PTB would like to add an illuminated sign on the end-cap of the drive thru facing West Genesee Street for better identification of the bank.

Mr. Belle made a motion, seconded by Mr. Kilberg, to grant an area variance to allowing an additional sign on the northside of the canopy at 32 square foot. Motion carried unanimously.

**RECOMMENDATIONS TO THE TOWN BOARD:**

Mr. Borsky's appointment is up 12/31/04. Mr. Kilberg made a motion, seconded by Ms. Flood, to recommend that Mr. Borsky be reappointed. Motion carried unanimously.

Mr. Burke recommended, and seconded by Mr. Belle, the appointment of Ron Carr for an additional year. Motion carried unanimously.

Mr. Feyl recommended, and seconded by Ms. Flood, the appointment of Vicky Quigley as the clerk for another year. Motion carried unanimously.

Rich delaRosa made a motion, and seconded by Mr. Belle, to recommend that Mr. Feyl be appointed as Chairman of the Zoning Board Appeals for a one year term. Motion carried unanimously.

Ms. Flood asked for a moment of silence for this day in history for the veterans (past and present) that need to be remembered.

Next meeting on Tuesday, January 4 at 7:30 p.m. Mr. delaRosa made a motion, seconded by Ms. Flood, to adjourn meeting at 9:30 p.m. Motion carried unanimously.

Respectfully submitted,

Vicky Quigley, Clerk  
Zoning Board of Appeals



**B**

Balestra, Antonio  
 Special Use Permit-Appearance Enhancement Business in  
 an LBO, 21, 30, 36, 40  
 Belle Isle Road #5987  
 Special Use Permit-Plumbing Business, 84  
 Belle Isle Road #5990  
 Area Variance-Garage Forward of House, 39, 45, 47  
 Bennett Road @ Milton Avenue  
 Area Variance-Reduce Parking Spaces, 21, 27, 30, 36, 43,  
 46  
 Bittel, Eric & Mary Kay  
 Area Variance-Reduce Front Setback, 49, 54, 59  
 Bohler Engineering, P.C. *See* Mobil Oil  
 Bosco, Frank  
 Area Variance-Reduce Side Setback, 3, 6, 13, 20, 25, 28  
 Breed Road  
 Area Variance-Reduce Frontage, 16, 19, 22  
 BTHO, Inc.  
 Area Variance-Reduce Parking Spaces, 65, 69, 76

**C**

Canal Road #2116  
 Area Variance-Garage Forward of Rear Property Line, 16,  
 18, 23  
 Canestrare, Richard  
 Area Variance-Reduce Front Setback, 65, 69, 74  
 Area Variance-Reduce Side Setback, 46, 48, 51  
 Colabufo, Frank  
 Area Variance-Reduce Front Setback, 38, 41  
 Coolican, Amy  
 Special Use Permit-Home Occupation, 50, 55, 60

**D**

Duke, William  
 Special Use Permit-Plumbing Business, 84

**E**

East View Associates  
 Area Variance-Reduce Setbacks & Parking Spaces, 39  
 Emann Drive #502  
 Area Variance-Accessory Building Forward of Rear Building  
 Line, 21, 26, 29

**F**

Fairmount Free Methodist Church  
 Special Use Permit-Expand Parking Lot, 65, 72, 77  
 Fairwood Drive #113  
 Area Variance-Reduce Side Setback, 57, 62, 67  
 Fastrac  
 Area Variance-Signage, 32, 36, 41  
 Frein, James

Area Variance-Reduce Front Setback, 65, 69, 74  
 Fruscello, Dominic  
 Area Variance-Reduce Rear Setback, 57, 62, 67

**G**

Golfview Drive #100  
 Area Variance-Reduce Setbacks/Increase Signage, 3, 4  
 Greencastle Street #115  
 Area Variance-Reduce Rear Setback, 49, 53, 58

**H**

Hinsdale Road #507  
 Area Variance-Signage, 32, 36, 41

**I**

Ike Dixon Road #5648  
 Special Use Permit-Extend Tower/Add Equipment, 1, 7, 11  
 Ike Dixon Road #5656  
 Special Use Permit-Amend to Install Generator, 50, 55, 60  
 Immanuel Church of the Nazarene  
 Special Use Permit-Church in LBO, 27, 33  
 IMS Group  
 Area Variance-Reduce Front Setback/Signage, 22, 32, 34

**J**

Johnson, Karl (Estate)  
 Area Variance-Reduce Frontage, 16, 19, 22  
 Jones, Chris & Sandy  
 Area Variance-Reduce Front Setback, 21, 31

**K**

Kasson Road #100  
 Area Variance-Signage, 73, 82, 85  
 Kasson Road #112  
 Area Variance-Reduce Parking Spaces, 65, 69, 76  
 Kasyanov, Nikolay  
 Special Use Permit-Home Occupation, 57, 64, 68  
 Keller, Katrine  
 Area Variance-Accessory Structure Forward of Rear Building  
 Line, 50, 54, 61, 66  
 Kimberly Drive E. #202  
 Area Variance-Reduce Rear Setback, 57, 62, 67

**L**

Luber Associates, Inc.  
 Use Variance-Partial Residential, 33, 37, 41

**M**

M&T Bank  
 Area Variance-Signage, 10, 14, 17  
 Mahoney Properties, LLC

Area Variance-Reduce Parking Spaces, 21, 27, 30, 36, 43, 46  
Mallard Drive #213  
Area Variance-Accessory Structure Forward of Rear Building Line, 50, 54, 61, 66  
Mallard Drive #602  
Special Use Permit-Home Occupation, 56, 61, 68, 84  
Marshall's  
Area Variance-Signage, 9, 13, 18, 23  
McVea, W. Mark  
Special Use Permit-Home Occupation, 56, 61, 68, 84  
Milo Lane #103  
Use Variance-Partial Residential, 33, 37, 41  
Mobil Oil Corp.  
Area Variance-Signage, 3, 7, 11  
Mullen, Timothy & Melissa  
Area Variance-Garage Forward of Rear Property Line, 16, 18, 23  
Munro Road #5491  
Area Variance-Accessory Structure Forward of Rear Building Line, 84

**O**

O'Hara, Brian  
Area Variance-Accessory Structure Forward of Rear Building Line, 84  
Old Semet Lane #101  
Area Variance-Reduce Front Setback, 21, 31  
Olin Drive #104  
Area Variance-Reduce Side Setback, 21, 26  
Onondaga Road #804  
Special Use Permit-Expand Parking Lot, 65, 72, 77

**P**

Partners Trust Bank  
Area Variance-Signage, 73, 82, 85  
Patterson Avenue #213  
Special Use Permit-Home Occupation, 57, 64, 68  
Pioneer Camillus Development, LLC  
Area Variance-Reduce Rear Setback, 49, 53, 58

**R**

Richards Road #111  
Special Use Permit-Home Occupation, 50, 55, 60  
Robinhood Lane #101  
Area Variance-Reduce Front Setback, 49, 54, 59

**S**

Savage, Alfonsina  
Area Variance-Reduce Side Setback, 21, 26, 28  
Scenic Drive  
Area Variance-Reduce Setbacks & Parking Spaces, 39  
Shope, James

Area Variance-Accessory Building Forward of Rear Building Line, 21, 26, 28  
Signal Ridge #124  
Area Variance-Reduce Side Setback, 3, 6, 13, 20, 25, 28  
Smith, James  
Area Variance-Reduce Front Setback, 50, 56, 60  
Syracuse Signage. *See* Marshall's

**T**

The Church of Latter Day Saints. *See* East View Associates  
T-Mobile Communications  
Special Use Permit-Extend Tower/Add Equipment, 1, 7, 11  
Total Identity Group. *See* M&T Bank  
Totari, Nasser  
Area Variance-Reduce Front Setback, 39, 44, 47  
Trent Lane #102  
Area Variance-Reduce Front Setback, 50, 56, 60  
Tudor Lane #113  
Area Variance-Reduce Front Setback, 38, 41

**V**

Verizon Wireless  
Special Use Permit-Amend to Install Generator, 50, 55, 60  
Voicestream. *See* T-Mobile

**W**

Walker, Ed  
Area Variance-Reduce Side Setback, 57, 62  
Reduce Side Setback, 67  
Warners Road @ Hinsdale Road  
Special Use Permit-Church in LBO, 27, 33  
Welsh Drive #116  
Area Variance-Reduce Front Setback, 39, 44, 47  
West Genesee Road #100  
Area Variance-Reduce Front Setback, 65, 69, 74  
West Genesee Street #3612  
Area Variance-Signage, 3, 7, 11  
West Genesee Street #3701  
Area Variance-Signage, 10, 14, 17  
West Genesee Street #4927  
Area Variance-Reduce Front Setback/Signage, 22, 32, 34  
West Genesee Street #5415C  
Special Use Permit-Appearance Enhancement Business in an LBO, 21, 30, 36, 41  
West Genesee Street-Fairmount Fair  
Area Variance-Signage, 9, 13, 18, 23  
West Genesee Turnpike #2220  
Area Variance-Reduce Front Setback, 65, 69, 74  
Area Variance-Reduce Side Setback, 46, 48, 51  
Westvale Golf Course  
Area Variance-Reduce Setbacks/Increase Signage, 3, 4  
Woollis, John & Pamela  
Area Variance-Garage Forward of House, 39, 45, 47