

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
June 7, 2016 – 7:00 p.m.

PRESENT:

Bob Feyl, Chairman
Rich de la Rosa
Steve Pirro
George Doohar
Alex Walsh

STAFF PRESENT:

Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Steve James, 4th Ward Councilman
Tom Price, Camillus Code, Enforcement Officer
7 Others

ABSENT:

None

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

PUBLIC HEARING:

1. Realty USA
5110 West Genesee Street
Camillus, New York 13031

TM#: 040.-10-26.1

Area Variance: signage.

Chairman Feyl stated that the first Public Hearing this evening was a continuation for signage that is up and is in current violation. Chairman Feyl stated that the applicant at the last meeting requested a continuation in order to speak to the property owners.

Bob Kratz, Marketing Director of Realty USA appeared before the Board. Mr. Kratz provided an explanation of how they saw things differently and thought that when they bought the building back from the Bank of New York, that they had a sign variance.

Mr. Kratz explained that they were told from Tom Price, Camillus Codes Enforcement Officer that they had a variance for the sign. Further explaining that upon request from the Town of Camillus Planning Board to put in a drainage pond, the sign was removed in order to complete the Planning Board's request. Mr. Kratz stated that once again, confirmed with Mr. Price a variance was granted for signage.

Mr. Kratz stated that upon approval from Mr. Price that a sign had been made. Only finding out upon trying to put back up the sign, Mr. Price informed them they now needed a variance for the sign.

Mr. Kratz stated they were referred to the Zoning Board and came to the meeting back in April. Mr. Kratz stated that while it was a little confusing at the time, a sign variance was discussed and the Zoning Board thought they had a variance as well.

Mr. Kratz explained that the very next day they received a call informing them that a clerical error had been made by the Camillus Code, Enforcement Officer with placing the wrong tax map number on the application.

Mr. Kratz explained that he was unable to attend the meeting in May; however, Mr. Simmons represented the applicant. Mr. Kratz explained that coming back in May was to clear up the clerical error made, however, lead to objection and more confusion.

Mr. Kratz explained that they had a grand opening scheduled for the 23rd of May and felt that they could not have a grand opening without having a sign up, so to save embarrassment put up the current sign.

Chairman Feyl stated that the Board did not vote or grant anything to the applicant at the May meeting.

Ms. Otto stated that at the last meeting held on May 3, 2016, the applicant presented a variance for 5104 West Genesee Street and everything represented that evening was misrepresentation as it did not apply to the property.

Ms. Otto explained that the variance isn't in effect until a decision is drafted and Chairman Feyl signs the documents, therefore, there is no variance granted. Ms. Otto stated that the very next day their representative was contacted after further investigations and that is why we are where we are this evening.

Ms. Otto stated that the variance presented to the Board was not for the correct property and that everything needed to be voided, republished and reconsidered by the Board. Ms. Otto explained that the motion made by the Zoning Board back in April was based upon a misrepresentation of fact.

Chairman Feyl explained that the area is a residential area, not commercial even though across the street is zoned commercial, the rules are simply the rules. Chairman Feyl asked if the applicant would consider bringing down the height of the sign and come to a compromise.

Mr. Kratz stated that he was not aware of the other sign needs to come down. Ms. Otto spoke to a specific section of the code relating to signs that voids any variances if they are non-conforming up to a certain date.

Mr. Kratz approached the Board providing photos of the existing sign and site line of the sign from West Genesee Street. Mr. Kratz described the use of landscaping boulders to soften the height of the sign.

Chairman Feyl stated that the photos in his opinion expressed that placing the sign as suggested by the Board would be visible with having no site line issues.

Mr. de la Rosa questioned location of the current sign. Mr. Dooher questioned the current height of the sign from finished grade.

Mr. Kratz stated for the record they sent a letter to Kassis Sign Company absolving them of any liability for installation of the current sign.

Tom Price, Camillus Code Enforcement Officer stated that he allowed the current sign as he believed it was a temporary sign not to exceed 30 days. Further explaining that no sign permit had been granted.

Ms. Otto asked Mr. Price to define finished grade. A discussion was had among the Board, Mr. Price and the applicants regarding finished grade.

Mr. Kratz stated that they were planning to use three boulders around the base of the sign with soil and landscaping. Mr. Dooher questioned the cost of changing the height of the existing sign. Mr. Simmons stated the cost would be \$1,200.00.

Mr. Kratz explained to make a compromise the use of three to five boulders would be used to raise up the ground and hide the pole.

Chairman Feyl reiterated that the removal of the boulders would expose the pole and the sign as it currently exists would remain that does not meet code.

Ms. Otto stated that the use of the boulders is all theoretical as no specifics have been provided to the Board.

Mr. Kratz stated in 1997 they were granted a sign variance on that property, however, Mr. Price explained that in 1998 the Code changed and banned all nonconforming signs.

Chairman Feyl stated if the Board was to grant the 32 sq. ft. for the overall signage with bringing the post down to 4ft, still would make the sign in excess of what is allowable within an LBO. Chairman Feyl stated that in his opinion the current building does not warrant the sign. Chairman Feyl stated that the sign itself isn't the issue it is the post that is the problem.

Ms. Otto stated the Board must know if the applicant is willing to compromise. Ms. Otto explained that if the applicant isn't willing to compromise then the vote is on whether to grant an overall height of 11ft with a 5ft height variance. Mr. de la Rosa stated that if it was voted down there would be no sign.

Mr. Simmons asked if the Board would consider the previous compromise of 7ft without the use of the boulders. Ms. Otto confirmed that what was discussed at the last meeting was 7.5ft overall height for consideration.

Ms. Caceres stated that if doing so the sign would not look proportionally correct and not look right.

Chairman Feyl questioned the applicants if they agreed to the overall 7.5ft overall height consideration.

Mr. Kratz questioned what would happen if they did not agree and took their chances on what they wanted. Chairman Feyl stated that if it was voted upon and denied, there would be no sign and the Camillus Code Enforcement office would dictate what they must follow according to code as written with no exceptions would be made.

Ms. Otto stated that the Board can only vote on what the applicant is asking for.

Mr. Pirro questioned if landscaping would still be done with the overall height of 7.5ft. and 32sq ft. overall. Mr. Simmons confirmed landscaping would be done.

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

2. Mark DeCarlo
111 Topaz Trail
Syracuse, NY 13219

TM#:070.-03-06.1

Area Variance: construction of accessory structure (detached garage) in the front of the rear of the house.

Mr. DeCarlo, owner of the property and his brother Mike DeCarlo, presented the application to the Board.

Mr. DeCarlo stated that due to the layout of the property and unique location of his home is the reason for the request for this variance. Mr. DeCarlo stated that the purpose was to house classic vehicles for storage only.

Mr. de la Rosa questioned if the lots were combined and under one tax map number. Mr. DeCarlo confirmed they are on one deed and under one tax map number.

Mr. Pirro questioned the proposed entrance and if a driveway would be put in. Mr. DeCarlo stated that the entrance would be located to the west and a short run of a drive way will be used along with a product called grass pave.

Chairman Feyl questioned if the Camillus Highway Department has approved another driveway cut. Mr. DeCarlo stated that he has not yet gotten to that point. Chairman stated that it must be approved and Mr. DeCarlo stated he was aware.

Mr. Pirro questioned the overall height of the proposed garage. Mr. DeCarlo stated that the height restriction will be met and not exceed 24+/- ft. and be within the requirements.

Mr. DeCarlo stated that he wants to screen the garage as much as possible and will make as little impact as possible on the neighborhood with keeping screening between the garage and Topaz Trail.

Mr. Walsh questioned where the cars are stored now and if work will be done on the cars. Mr. DeCarlo stated that no work will be done on the cars and that his cars are currently stored at his brother has two of his cars at his house, two at his own home, one at his mother's home and one at his friends home.

Mr. James, 4th Ward Councilman stated that he has visited the site and feels the proposed garage would keep with the integrity of the neighborhood and stated that the applicant has written support from his surrounding neighbors.

Mr. DeCarlo provided documentation providing written support of his surrounding neighbors.

Councilman James stated that he has spoken to the surrounding neighbors and has received no negative comments. Councilman James asked for the Board's consideration in approving this application.

Ms. Otto asked that the applicant describe the proposed building materials. Mr. DeCarlo stated that vinyl siding would be used to match the current structure, along with vinyl cedar sided shake. Mr. DeCarlo stated that it would have arts and craft style doors, windows, and detailed trim to provide a finished look.

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

**3. Matthew Heselton
309 Glenview Parkway
Syracuse, NY 13219**

TM#:055.-07-02.0

Area Variance: construction of enclosed 8' x 12' side porch, reducing the required side yard setback from 25' to 21.2'. A 3.8' side yard reduction.

Mr. Matthew Heselton, owner and Mr. Daniel Kolh, carpenter and uncle of applicant appeared before the Board presenting the application.

Mr. Kolh stated that the subject property is a residential property of which Matthew and his wife are owners. Mr. Heselton stated that they have done several renovations to the home and would like to use the same area the deck is currently located to build the proposed porch.

Mr. Kohl provided photos to the Board for review of the proposed porch.

Chairman Feyl questioned the pitch of the roof. Mr. Kolh stated that the proposed porch will have the same pitch as the house roof.

Mr. Pirro questioned if the bottom of the proposed porch will be used or enclosed. Mr. Kolh stated that it will be utilized for storage and enclosed with an access door to it with siding same as the house currently is with stairs off the front.

Mr. Pirro motioned to close the Public Hearing. Mr. Dooher seconded the motion and it was unanimously approved.

NEW BUSINESS:

None

Minutes:

Mr. de la Rosa moved to approve the minutes of the April 5, 2016 and May 3, 2016 meetings. Mr. Dooher seconded the motion and it was unanimously approved.

VOUCHERS

A voucher was received from Syracuse Media for legal advertising totaling \$62.48.

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

COMMENTS OF THE BOARD:

None

CORRESPONDENCE:

None

OLD BUSINESS:

None

DECISIONS:

**1. Realty USA
5110 West Genesee Street
Camillus, New York 13031**

TM#: 040.-10-26.1

Area Variance: signage.

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to allow for the installation of a 32 square foot freestanding sign at 5110 West Genesee Street, Camillus, New York 13031, which real property is further identified by tax map number 040.-10-26.1. Mr. Dooher seconded the motion and it was unanimously approved.

Mr. de la Rosa moved to allow the free-standing sign at the real property referenced in the prior motion to be no more than 7 ½ feet in height, from finished grade to the top of the sign, provided that the area around the base of the sign is appropriately landscaped and the landscaping is maintained. Mr. Dooher seconded the motion and it was unanimously approved.

**2. Mark DeCarlo
111 Topaz Trail
Syracuse, NY 13219**

TM#:070.-03-06.1

Area Variance: construction of accessory structure (detached garage) in the front of the rear of the house.

Chairman Feyl and the Board conducted the SEQR review.

Mr. Pirro moved to allow for the installation of an approximately 44 1/2' x 36' freestanding garage in front of the rear of the house located at 111 Topaz Trail, Syracuse, New York 13219, which real property is further identified by tax map number 070.-03-06.1. Mr. Dooher seconded the motion and it was unanimously approved.

**3. Matthew Heselton
309 Glenview Parkway
Syracuse, NY 13219**

TM#:055.-07-02.0

Area Variance: construction of enclosed 8' x 12' side porch, reducing the required side yard setback from 25' to 21.2'. A 3.8' side yard reduction.

Chairman Feyl and the Board conducted the SEQR review.

Chairman Feyl moved to grant a 4' variance from the requirements of Section 603(B) (1) of the Code of the Town of Camillus to accommodate the construction of an 8' x 12' enclosed porch on the east side of the house located at 309 Glenview Parkway, Syracuse, New York 13219, which real property is further identified by tax map number 055.-07-02.0. Mr. de la Rosa seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. Dooher moved to adjourn the meeting at 8:20 p.m. Mr. Walsh seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, ZBA Clerk