

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
October 4, 2016 – 7:00 p.m.

PRESENT:

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

STAFF PRESENT:

Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Four 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 notice. Mr. Pirro seconded the motion and it was unanimously approved.

PUBLIC HEARING:

- 1. Carol Fatti / Bill Camperlino**
5648 Ike Dixon Road
Camillus, New York 13031

TM#: 021.-03-08.3

Area Variance: Existing Tower, 150' tall, requires a total side yard of 460'; Lot is 100' wide – Seeking a 360' variance for the total side yard and a 15' variance for the front yard.

Chairman Feyl stated that the Camillus Town Board changed the Municipal Code pertaining to a cellular tower; therefore, the applicant withdrew the application.

- 2. Bruce Pollock**
3996 Box Car Lane
Camillus, New York 13031

TM#: 015.-04-07.1

Area Variance: Parking requirements – 133 required and 40 proposed.

Chairman Feyl stated that the applicant appeared in front of the Camillus Planning Board and was able to show the Board he had adequate spaces for his facility; therefore, the applicant withdrew the application to the Zoning Board of Appeals.

- 3. Forte Brothers Construction Company, LLC**
3475 Warners Road
Warners, New York 13164

TM#: 012.-01-02.0

Area Variances: Reduced front yard to allow a 3' x 6' landing and stairs on the front of a newly constructed house.

Mr. Pirro moved to declare the application a SEQR Type II and set the Public Hearing for October 4, 2016. Mr. de la Rosa seconded the motion and it was unanimously approved.

Mr. Jon Forte presented the application for an area variance to the Board. Mr. Forte stated that he is the owner of the property, the depth of the lot is 164', the depth of the house from the road is just over 40'.

Mr. Forte explained that the reason he originally came in front of the Board was to be given a variance to have the home closer to the road so it would be more comparable to where both of the neighboring homes sit, as the setbacks of the neighboring homes are approximately 20' to the road.

Mrs. Kristin Forte approached the Board providing photos of the property, setbacks and neighboring properties.

Chairman Feyl stated that the setback was originally 70' and the Board approved a variance of 35' based upon the neighborhood. Chairman Feyl questioned if the applicant was aware of and understood the variance granted and if the applicant questioned the Code Enforcement Office on the setback requirements.

Mr. Forte stated he was not aware, however, did not question the Camillus Code Enforcement Office on any uncertainties. Mr. Forte stated that he honestly thought he had the leeway to move the home forward. Mr. Forte stated that he was under the impression as long as the home was 35' from the road he would be ok and did not understand the 35' requirement was from the right of way, not the road.

Mr. Forte stated that there have been several issues on this property and explained that they had to deal with remediation issues with having to remove 5 tanks from this property. Mr. Forte explained that if he had to move the house back any further it would have sat directly on top of one of the holes created by the removal of the tanks.

Chairman Feyl stated that he appreciated the honesty of the applicant and that the reprieve is that the homes on either side are even closer to the right of way than the applicant's home. Chairman Feyl stated that even with the proposed stairway to the front door, the home will still remain behind the other homes by about 10'. Chairman Feyl further stated that this is a very old development and the rules today are very different from the rules back in those days.

Both Mr. & Mrs. Forte stated that this property has been a nightmare and explained that they had to pay \$40,000 to Live Safe Fuel Safe to remove and make the property a clean, safe living environment.

Mr. Forte stated that the DEC stated they were responsible for the cleanup and costs associated with this property.

Mr. de la Rosa questioned if the front step was considered a porch or landing, as it appeared to have an overhead roof. Chairman Feyl stated that the roof is connected to the house and there are no side walls, therefore, cannot be classified as a porch.

Mr. Pirro questioned if the applicant consulted with the Camillus Code Enforcement Office prior to building the home. Mr. Forte stated that he did; however, he changed the style of the house and pulled the measurement from the road and not the right of way, which was the misunderstanding on his part. Mr. Forte stated that he should have consulted back with the Camillus Code Enforcement Office after changing the style of the house but he did not do so.

Ms. Otto questioned the landing measurements in relation to the overhang measurements. Mr. Forte provided explanation and stated the overhang will cover the landing but not the stairs.

Ms. Otto questioned if Forte Brothers Construction Company, LLC is the owner of the property. Mr. Forte confirmed that to be true.

Mr. LaFlair, 2nd Ward Councilor voiced his support of the applicant's request, stating the applicant is a local resident simply trying to do the right thing and any consideration would be appreciated.

Chairman Feyl questioned if the proposed property would be up for sale. Mr. Forte confirmed the house will be sold.

After a brief discussion among the Board and Mr. Forte, Mr. Pirro moved to close the Public Hearing. Mr. Dooher seconded the motion and it was unanimously approved.

**4. Pavel Olesh
116 James Avenue
Syracuse, New York 13209**

TM#: 013.-05-05.0

Area Variance: 24' x 12' shed located on the west side of the house, 44' in front of the rear of the house.

Mr. Pirro moved to declare the application a SEQR Type II and set the Public Hearing for October 4, 2016. Mr. Walsh seconded the motion and it was unanimously approved.

Mr. Viktor Makarchuk and Mr. Olesh appeared before the Board to present the application for an area variance.

Mr. Makarchuk stated that Mr. Olesh is the owner of the property since 2013, described the property to have a 1,944 sq. ft. ranch style home on a 120' x 338' lot. Mr. Makarchuk stated the topography is level and confirmed there to be no other structures besides the home on this property.

Mr. Makarchuk stated the proposed location of the 12' x 24' shed, 15' in height, to be 60' from the road with a minimum of 5' from neighboring lot. Mr. Makarchuk stated the shed will be located on the west side of the house and would not protrude into front yard.

Mr. Makarchuk explained that the proposed location is due to the location of the drainage system, leach field and septic system.

Chairman Feyl questioned why the shed couldn't be located back behind the house. Mr. Makarchuk and Mr. Olesh approached the Board to review the drawings submitted, providing a detailed explanation of the location of the leach field and septic tanks.

Mr. Makarchuk explained that the leach field runs 120' behind the location of the septic tanks, towards the back of the property; therefore, there simply isn't enough room.

Mr. Makarchuk explained that the proposed shed will be in line with the other neighboring sheds and will not have any negative impact.

Mr. Makarchuk stated that there is an existing garage as well as a neighboring fence; however, no screening currently exists.

Mr. Makarchuk stated the purpose of the shed will be used for storage as there is not enough room in the garage. Further explaining it will be used to store typical yard items, kid's bikes, play equipment, etc.

Mr. Makarchuk stated the proposed shed will match the house, and will have the same roof and siding color as the house.

Mr. LaFlair, 2nd Ward Councilman stated he has spoken to surrounding neighbors and has received no opposition to this request and asks for the Board's consideration.

After a brief discussion among the Board, Mr. Makarchuk and Mr. Olesh, Mr. Dooher moved to close the Public Hearing. Mr. Walsh seconded the motion and it was unanimously approved.

NEW BUSINESS:

1. **Michael A. Gomes**
6131 VanAlstine Road
Camillus, New York 13031

TM#: 006.-04-12.7

Area Variance: 40' x 30' Barn, 200' in front of the rear of the house 10' from the property line.

Mr. de la Rosa moved to declare the application a SEQR Type II and set the Public Hearing for November 1, 2016. Mr. Pirro seconded the motion and it was unanimously approved.

Minutes:

Mr. de la Rosa moved to approve the minutes of the July 5, 2016 meeting. Mr. Pirro seconded the motion and it was unanimously approved.

VOUCHERS:

A detailed voucher was received from Melvin & Melvin for legal services totaling \$1,260.00.

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

COMMENTS OF THE BOARD:

None

CORRESPONDENCE:

None

OLD BUSINESS:

None

DECISIONS:

**3. Forte Brothers Construction Company, LLC
3475 Warners Road
Warners, New York 13164**

TM#: 012.-01-02.0

Area Variances: Reduced front yard to allow a 3' x 6' landing and stairs on the front of a newly constructed house.

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to grant the applicant a variance of 21.2', to reduce the front yard setback to 13.8', instead of 35' setback allowed by the previous variance. Mr. Pirro seconded the motion and it was unanimously approved.

Mr. Dooher moved to grant the applicant an 11.2' variance to allow a front yard less than 25' in depth. Mr. Walsh seconded the motion and it was unanimously approved.

**4. Pavel Olesh
116 James Avenue
Syracuse, New York 13209**

TM#: 013.-05-05.0

Area Variance: 24' x 12' shed located on the west side of the house, 44' in front of the rear of the house.

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to grant the applicant a 44' variance to allow the placement of a 24' x 12' shed 44' in front of the rear of the house.

Mr. Dooher seconded the motion and it was unanimously approved.

ADJOURNMENT:

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

Respectfully submitted,

Krista Kenna, ZBA Clerk