

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
January 3, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

John Fatcheric, Planning Board Chairman  
Six others

**ABSENT:**

Joe Kilburg

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

Chairman Feyl read into the record a memo dated 1/3/06 from Planning Board Chairman John Fatcheric stating:

*“The Planning Board has reviewed the following site plans for special use permits and has requested additional information from the applicants in order to issue a complete recommendation back to the ZBA. The applications are as follows:*

*Lamar Advertising – 4938 – 4950 W. Genesee St  
Site Plan for Special Use Permit  
TP#041.-01-61.2*

*Lamar Advertising – 3688 Milton Ave  
Site Plan for Special Use Permit  
TP#017.-04-48.3*

*Lamar Advertising – 3996 Box Car Lane  
Site Plan for Special Use Permit  
TP#015.-04-07.1*

*Reggie Palmer – Ruby Road  
Site Plan for Special Use Permit  
TP#008.-04-18.1*

*Additionally, the following applicant did not appear before the Board and requested a continuance:*

*Syracuse Utilities Inc. – 5882 Devoe Road  
Site Plan for Special Use Permit  
TP#019.-01-10.0”*

**PUBLIC HEARINGS:**

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

**Special Use Permit: Vehicle Dismantler**

Chairman Feyl explained to the applicant, who was in attendance, that the ZBA is unable to render a decision on his application until the recommendation requested from the Planning Board is received.

There was no public comment.

Chairman Feyl stated that this public hearing would be continued at the next Zoning Board of Appeals meeting to be held on February 7, 2006.

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

**Amended Special Use Permit: Add a generator to the site**

Chairman Feyl explained that the applicant, who was not in attendance, has yet to appear before the Planning Board, having requested a continuance from that Board. Planning Board Chairman Fatcheric explained that the applicant's current site plan for the property does not have appropriate space for the proposed generator, so the applicant has requested a continuance to allow them time to revise the property's site plan to accommodate the generator before the Planning Board reviews it.

There was no public comment.

Chairman Feyl stated that this public hearing would be continued at the next Zoning Board of Appeals meeting to be held on February 7, 2006.

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

**Special Use Permit: Billboards**

Chairman Feyl referred to the aforementioned memo from Planning Board Chairman Fatcheric as explanation why no recommendation has yet been received from that Board on this referred matter. He noted that at the Planning Board Meeting of 12/28/05, two minor issues were discussed: candlepower lighting and shrubbery. He further explained that, because this application is beyond 20 days, it is up to the ZBA whether to vote on the special use permit at this point or continue the matter in order to allow the

Planning Board to submit its recommendation, particularly with regard to the two outstanding issues.

There was no public comment.

As no representative of the applicant was present, Chairman Feyl stated that this public hearing would be continued at the next Zoning Board of Appeals meeting to be held on February 7, 2006.

4. **Lamar Advertising**  
**3996 Boxcar Lane**  
**Syracuse, NY 13219**

**TM#: 015.-04-07.1**

**Special Use Permit: Billboards**

Chairman Feyl referred to the aforementioned memo from Planning Board Chairman Fatcheric as explanation why no recommendation has yet been received from that Board on this referred matter. He noted that at the Planning Board Meeting of 12/28/05, two minor issues were discussed: candlepower lighting and shrubbery. He further explained that, because this application is beyond 20 days, it is up to the ZBA whether to vote on the special use permit at this point or continue the matter in order to allow the Planning Board to submit its recommendation, particularly with regard to the two outstanding issues.

Mr. Burke inquired of Chairman Fatcheric whether the Planning Board had addressed the fact that this property is in an archeologically sensitive area. Chairman Fatcheric indicated that the Planning Board had not, but would investigate the matter prior to rendering a recommendation on this application, and take any appropriate actions related to it.

There was no public comment.

As no representative of the applicant was present, Chairman Feyl stated that this public hearing would be continued at the next Zoning Board of Appeals meeting to be held on February 7, 2006.

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

**TM#: 041.-01-61.2**

**Special Use Permit: Billboards**

Chairman Feyl referred to the aforementioned memo from Planning Board Chairman Fatcheric as explanation why no recommendation has yet been received from that Board on this referred matter. He noted that at the Planning Board Meeting of 12/28/05, two minor issues were discussed: candlepower lighting and shrubbery. He further explained that, because this application is beyond 20 days, it is up to the ZBA whether to vote on the special use permit at this point or continue the matter in order to allow the

Planning Board to submit its recommendation, particularly with regard to the two outstanding issues. No representative of the applicant was present.

There was no public comment.

As no representative of the applicant was present, Chairman Feyl stated that this public hearing would be continued at the next Zoning Board of Appeals meeting to be held on February 7, 2006.

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

**TM#: 047.-06-10.0**

**Area Variance: Allow additional signage on existing freestanding sign**

John LoFaro appeared on behalf of Allied Signs/Loeffler Beauty Systems. He explained that the sign being proposed would not negatively effect the environment or aesthetics of the neighborhood, noting that it is as unobtrusive as possible. The main impetus for requesting the sign is the business' impaired exposure from West Genesee Street, which varies from limited exposure to eastbound traffic to no exposure to westbound traffic due to the business' location in the rear portion of the western facing side of the building. He emphasized that the sign being proposed is as harmonious as possible with the existing signage, being of like size and style.

Chairman Feyl questioned the overall size of the existing street sign as the law dictates the total height from ground to the sign top may not exceed 15 feet. After consulting by phone with an associate, the applicant stated that his understanding is that the existing street sign already stands at 15 feet. Chairman Feyl noted that the applicant would then need, in addition to the area variance application submitted related to the street sign's overall square footage, to seek a height variance of 2 feet to accommodate the additional sign as proposed.

Ms. Flood inquired why the additional sign could not be added below those that already exist on the street sign, which would eliminate the need for a height variance. The applicant stated that doing so would require two boxes to be installed in order to mount the signage around the pole, resulting in a wider sign with a lip on it, rather than the streamlined and symmetrical look that would be achieved by a single sign box on the top of the existing street sign.

Mr. Burke questioned what the total square footage of existing signage on the property was. The applicant was unable to provide that figure, but stressed the strong need for additional signage for Loeffler due to its positioning in the building. Mr. de la Rosa clarified that the applicant may also need an area variance related to the total allowable signage on the property, which can't be determined until those figures are known. He also suggested the applicant might consider shortening the signpost itself in order to create the needed space at the top of the street sign for the desired additional sign.

After additional discussion regarding the lack of availability of overall signage figures and lack of details about alternate signage options available to the applicant, it was agreed between the applicant and the Board that it was best to continue the public

hearing until the next meeting of the ZBA, at which time the applicant can present more exact details about each of those items.

There was no public comment.

Chairman Feyl stated that this public hearing would be continued at the next Zoning Board of Appeals meeting to be held on February 7, 2006.

**Comments of the Public:** None

**Comments of Town Officials:** None

**Comments of the Board:** None

**NEW BUSINESS:**

**Applications:** None

**Minutes of the Previous Meeting:**

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

**Vouchers:**

A voucher was received from Melvin & Melvin, PLLC for legal fees totaling \$1,175.00.

A voucher was received from Eagle Newspapers for legal advertising totaling \$53.13.

Mr. Burke made a motion to approve payment of the submitted vouchers. Mr. de la Rosa seconded the motion and it was unanimously approved.

**Correspondence:**

3<sup>rd</sup> Ward Councilor William Davern sent an email to the Board noting that the neighbors in his Ward are looking forward to the improved billboards and requesting that the Board ensure the sign being considered for Allied Signs/Loeffler Beauty Systems does not obstruct the field of view for traffic exiting Sunnybrook Drive onto West Genesee Street.

Members received registration information for the Onondaga County Planning Federation 2006 Training Conference.

A memo was received from Tom Price, Code Enforcement Officer, outlining the statistics related to building permits issued in 2005.

**Comments of the Board:**

Mr. Burke questioned Planning Board Chairman Fatcheric whether it had been confirmed that the Reggie Palmer property is not a part of the wetlands in that area. Chairman Fatcheric stated that the Planning Board had not, but would look into the matter. Chairman Feyl added that, during a committee meeting at which the matter was discussed, it was determined that wetland infringement was not an issue in this case.

Mr. Burke provided an update on Mr. Kilburg and the entire Board expressed their ongoing best wishes for him.

Ms. Flood stated that she attended the Planning Board meeting of December 28, 2005 and witnessed the work the Planning Board is doing with regard to assisting Mr. Palmer with his special use permit application. She expressed her certainty that nearly all issues will be resolved upon receipt of the Planning Board's recommendation. She also noted that the Planning Board attorney discussed the idea of Board members taking an "at large" approach rather than the traditional Ward based approach to handling issues.

Ms. Flood explained to the Board the technological advances recently implemented by the Planning Board, including the acquisition of a laptop computer and projector that allows them to display site plans, Municipal Code, Zoning Maps, and GIS information in large format on a screen during their meetings. Chairman Fatcheric further detailed the advantages of this new equipment.

**ADJOURNMENT:**

Mr. de la Rosa made a motion to adjourn the meeting at 7:55 p.m. Ms. Flood seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
February 7, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Donald Borsky  
George Burke  
Richard de la Rosa  
Joseph Kilburg

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Diane Dwire, 5<sup>th</sup> Ward Councilor  
Kathryn MacRae, 2<sup>nd</sup> Ward Councilor  
John Fatcheric, Planning Board Chairman  
Five others

**ABSENT:**

Ronald Belle

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

**PUBLIC HEARINGS:**

1. **Palmer, Reggie  
3203 Ruby Road  
Camillus, NY 13031**

**TM#: 008.-04-11.0**

**Special Use Permit: Vehicle Dismantler**

Chairman Feyl read into the record a letter dated 2/2/06 from Planning Board Attorney Paul Curtin (attached) regarding that Board's recommendations relative to this application.

Mr. Palmer noted that item number three in the Planning Board's letter incorrectly states there are four entrances/exits to his property, when in fact there are five. The one not cited in the letter is on the south side of the property. Chairman Feyl indicated that the Planning Board's recommendations would be updated to reflect the additional point of access.

Mr. Palmer also stated that he had discussed item number six in the Planning Board's letter, relative to using truck trailers for storage purposes, with Tom Price, Code Enforcement Officer. He stated that Mr. Price's determination was that use of trucks for storage was not allowed by the Municipal Code and that Mr. Price instructed him to appeal that decision to the ZBA. It is Mr. Palmer's assertion that §30.1303(G)(14) of the Municipal Code does not apply to his situation as it only refers to vehicles not suitable for operation on public highways, which all of his would in fact be.

Chairman Feyl confirmed with Mr. Palmer that he does not intend to use "truck trailers" but rather fully operational and road worthy truck vehicles. Ms. Flood inquired whether they would be inspected, registered, and licensed. Mr. Palmer explained that they would not be, as that would not be required by the New York State Department of Motor

Vehicles. The vehicles would be used to accumulate inventory for resale/recycling and, when full, dealer plates would be placed on the truck and the vehicle would be used to transport the items for offsite disposal/recycling. Chairman Feyl indicated that the Planning Board's recommendations would be updated to reflect the use of drivable trucks for the purposes of collection, storage and future delivery for disposal/recycling.

Chairman Feyl verified with Mr. Palmer that there would be 6-foot high stockade fence surrounding the property and that the gates would be constructed of identical materials. Mr. Borsky inquired whether any signage would be placed on the fence and Mr. Palmer indicated that the New York State DMV required certain signage to be posted, but no other would be.

Chairman Feyl requested that ZBA Attorney Ron Carr suggest appropriate wording that might be used to describe the type or nature of the storage vehicles Mr. Palmer is proposing to use. Mr. Carr suggested referring to them as collector vehicles for the temporary storage of vehicle parts with the ultimate intent of driving the parts offsite to be disposed of, all of which must be operable and located within the fenced area on the site, not to exceed 25 such vehicles at any time. The Board agreed that the term "operable" when used in relation to these vehicles is to mean suitable for operation on state highways.

Mr. Palmer added that Mr. Price had indicated during their conversation that if the ZBA agreed with Mr. Palmer's assertion that this use is allowed within the law, that he would interpret it that way as well. Ms. Flood stated that it would have been very helpful to have Mr. Price in attendance at this meeting to provide input. Sheryl Farnham-Palmer added that they placed a phone call to Mr. Price earlier in the day, but received no return call.

Mr. Borsky inquired how Mr. Palmer keeps track of his inventory. Mr. Palmer stated that all parts are sorted into stacks and rows according to category, but because he handles the material daily, he generally knows from memory what he has on site.

Mr. Carr verified with the applicant that tires are not required to be stored on an impervious surface. Mr. Palmer confirmed that they are not and added that he had recently been issued a report by the DEC that verified that their business is in full compliance. Mr. Carr inquired how many tires are allowed to be stored at the site and Mr. Palmer indicated they are allowed to store no more than 1000. Mr. Fatcheric stated that the expectation of the applicant's full compliance with DEC regulations was part of the Planning Board's review of the application.

It was determined that the applicant meets all the requirements to be granted a special use permit for vehicle dismantlers.

#### Public Comment

Kathy MacRae, 2<sup>nd</sup> Ward Councilor offered her support of Mr. Palmer's application, stating that she appreciated the time invested by the Planning Board and the ZBA to properly review & render decisions on this matter.

Sheryl Farnham-Palmer stated for the record that, beyond the stipulations of any potential special use permit granted, they currently abide by the very strict laws set forth for this type of business by New York State and indicated that there are large penalties for non-compliance, which is something they avoid.

Chairman Feyl closed the public hearing and notified the applicant that they would receive a decision within 62 days.

**2. Lamar Advertising  
3996 Boxcar Lane  
Syracuse, NY 13219**

**TM#: 015.-04-07.1**

**Special Use Permit: Billboards**

Chairman Feyl read into the record a letter dated 1/19/06 from Planning Board Attorney Paul Curtin (attached) regarding that Board's recommendations relative to this application.

Mike Bishoff of Lamar Outdoor Advertising explained that his company has commissioned a firm by the name of Archeological Assessors, which specializes in research of archeologically sensitive areas, to perform an analysis of both the upper and lower lots referred to in this application. If upon completion of the assessment it is found that there are no areas of archeological significance on the site, the firm will provide a certificate stating so.

Chairman Feyl confirmed with the Board members that everyone understood the findings and recommendations of the Planning Board with regard to this application.

Mr. Burke inquired whether the billboard signs would be at least 1000 feet from the nearest homes. Mr. Fatcheric stated that the Planning Board had confirmed that fact during their review of the application and Mr. Bishoff concurred. Mr. Burke also inquired whether the 1500-foot spacing requirement had been met and Mr. Bishoff confirmed it had.

Mr. Burke inquired what the overall height of the billboard would be. Mr. Bishoff indicated the top of the signs would be 35' above ground level. Mr. Burke also reiterated a number of items previously covered by the Planning Board's review and recommendations related to this application.

Public Comment

Diane Dwire expressed her appreciation for the efforts of Mr. Bishoff and Lamar Advertising over the past three years in cooperating with the Town and stated she was pleased that the matter is moving forward and the old billboards would finally be coming down.

Chairman Feyl closed the public hearing and notified the applicant that they would receive a decision within 62 days.

3. **Lamar Advertising**  
**3688 Milton Avenue**  
**Camillus, NY 13031**

**TM#: 017.-04-48.3**

**Special Use Permit: Billboards**

Chairman Feyl read into the record a letter dated 1/19/06 from Planning Board Attorney Paul Curtin (attached) regarding that Board's recommendations relative to this application.

Chairman Feyl confirmed with the Board members that everyone understood the findings and recommendations of the Planning Board with regard to this application.

Mr. Burke inquired whether the billboard signs would be at least 1000 feet from the nearest homes. Mr. Fatcheric stated that the Planning Board had confirmed that fact during their review of the application and Mr. Bishoff concurred. Mr. Burke also inquired whether the 1500-foot spacing requirement had been met and Mr. Bishoff confirmed it had. Mr. Burke inquired what the overall height of the billboard would be. Mr. Bishoff indicated the top of the signs would be 35' above ground level.

In addition to the recorded verification by the ZBA and Planning Board of the applicant's compliance with the conditions of section 30.1303(F) of the Municipal Code, Mr. Burke also wanted a complete questioning of the applicant's compliance with section 30.1303(F) articles 1 – 9 and so personally reiterated each of these conditions by reading them verbatim and requiring the applicant to respond to each individual item.

Public Comment

Diane Dwire expressed her appreciation for the efforts of Mr. Bishoff and Lamar Advertising over the past three years in cooperating with the Town and stated she was pleased that the matter is moving forward and the old billboards would finally be coming down.

Chairman Feyl closed the public hearing and notified the applicant that they would receive a decision within 62 days.

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

**TM#: 041.-01-61.2**

**Special Use Permit: Billboards**

Chairman Feyl read into the record a letter dated 1/19/06 from Planning Board Attorney Paul Curtin (attached) regarding that Board's recommendations relative to this application.

Chairman Feyl confirmed with the Board members that everyone understood the findings and recommendations of the Planning Board with regard to this application.

Mr. Burke inquired whether the billboard signs would be at least 1000 feet from the nearest homes. Mr. Fatcheric stated that the Planning Board had confirmed that fact

during their review of the application and Mr. Bishoff concurred. Mr. Burke also inquired whether the 1500-foot spacing requirement had been met and Mr. Bishoff stated that this particular location is exempted under the Municipal Code.

Mr. Burke inquired what the overall height of the billboards would be. Mr. Bishoff indicated the signs would be no higher than the existing signs, as required by the Municipal Code. Mr. Burke also reiterated a number of items previously covered by the Planning Board's review and recommendations related to this application.

#### Public Comment

Diane Dwire expressed her appreciation for the efforts of Mr. Bishoff and Lamar Advertising over the past three years in cooperating with the Town and stated she was pleased that the matter is moving forward and the old billboards would finally be coming down.

Chairman Feyl closed the public hearing and notified the applicant that they would receive a decision within 62 days.

5. **Allied Sign/Loeffler Beauty Systems** **TM#: 047.-06-10.0**  
**3504 West Genesee Street**  
**Camillus, NY 13031**

#### **Area Variance: Allow additional signage on existing freestanding sign**

John LoFaro appeared on behalf of Allied Signs/Loeffler Beauty Systems. Resulting from the feedback received from the Board at the last meeting, the applicant presented a revised plan, now proposing that their sign be added below those that already exist on the freestanding sign. This alleviates the problems related to the originally proposed sign exceeding the maximum allowable height of the freestanding sign.

Chairman Feyl confirmed that, with the addition of this sign to the freestanding sign, the distance from the bottom of the proposed sign to the grade would be 7 feet and the height requirement no longer is an issue.

Chairman Feyl proposed using a formula to allow 1 square foot of total signage (building and street signs included) for every linear foot of store frontage. It was determined that there is 276 linear feet of store frontage, which when the formula is applied to this property, allows for 276 square feet of signage to be divided proportionally amongst the tenants. Including the proposed sign, the total existing signage would be 259 square feet, allowing for an additional 17 square feet of signage to be added in the future.

After discussion, the Board agreed that two variances would be required. The first would allow an additional 14 square feet of signage to be added to the existing street sign, for a total of 63 square feet of signage on that unit. In addition, the previously discussed formula would be applied to the overall signage for the site as proposed. Mr. LoFaro stated that would be acceptable.

There was no public comment.

Chairman Feyl closed the public hearing and notified the applicant that they would receive a decision within 62 days.

**6. Syracuse Utilities (Sprint)**  
**5882 Devoe Road**  
**Camillus, NY 13031**

**TM#: 019.-01-10.0**

**Amended Special Use Permit: Add a generator to the site**

Chairman Feyl explained that the applicant, who was not in attendance, still has yet to appear before the Planning Board, having requested a continuance from that Board.

After discussion, the Board determined that the applicant should be notified that unless they appear to address this application at the next meeting of the ZBA on March 7, 2006, the matter would be dismissed. Chairman Feyl asked Mr. Carr to draft and send a letter of notification to the applicant.

There was no public comment.

Chairman Feyl stated that this public hearing would be continued at the next Zoning Board of Appeals meeting to be held on March 7, 2006.

**Comments of the Public:**

None

**Comments of Town Officials:**

None

**NEW BUSINESS:**

**Applications:**

None

**Minutes of the Previous Meeting:**

Mr. de la Rosa moved to approve the minutes of the January 3, 2006 meeting. The motion was seconded by Mr. Borsky. Flood and unanimously approved.

**Vouchers:**

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

A voucher was received from Eagle Newspapers for legal advertising totaling \$44.46.

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

**Correspondence:**

None

**DECISIONS:**

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

**Special Use Permit: Vehicle Dismantler**

Mr. de la Rosa moved to grant a special use permit for a vehicle dismantler business to the applicant, subject to and conditioned upon all fourteen elements of §30.1303(G) of Municipal Code, plus the elements of consideration and recommendations of the Planning Board, being met by the applicant on a continuing basis. Ms. Flood seconded the motion and it was unanimously approved.

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

**Special Use Permit: Billboards**

Ms. Flood moved to grant a special use permit for the allowance of billboard signs on this property to the applicant pursuant to §30.1303(F) of the Municipal Code. Mr. Burke seconded the motion and it was unanimously approved

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

**Special Use Permit: Billboards**

Ms. Flood moved to grant a special use permit for the allowance of billboard signs on this property to the applicant pursuant to §30.1303(F) of the Municipal Code. Mr. Kilburg seconded the motion and it was unanimously approved

4. **Lamar Advertising** **TM#: 041.-01-61.2**  
**4938-4950 West Genesee Street**  
**Camillus, NY 13031**

**Special Use Permit: Billboards**

Ms. Flood moved to grant a special use permit for the allowance of billboard signs on this property to the applicant pursuant to §30.1303(F), with the exception of subdivisions F1, F2, & F3, of the Municipal Code. Mr. Kilburg seconded the motion and it was unanimously approved.

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

**TM#: 047.-06-10.0**

**Area Variance: Allow additional signage on existing freestanding sign**

Ms. Flood moved to grant an area variance to the applicant of allowing the addition of 14 square feet to their freestanding sign. Mr. de la Rosa seconded the motion and it was unanimously approved.

Ms. Flood moved to grant an area variance to the property located at 3504 W. Genesee Street, Camillus, NY 13031 for property signage at rate of 1 square foot per linear foot of store frontage to a maximum of 276 total square feet to be distributed proportionally between the tenants. Mr. Burke seconded the motion and it was unanimously approved.

**COMMENTS OF THE BOARD:**

Chairman Feyl expressed his regret that he missed the Onondaga County Planning Federation Conference due to a work emergency. Mr. Borsky and Ms. Flood both remarked that the Conference was very good and much was learned.

Ms. Flood recognized Mr. Kilburg's attendance at the meeting and on behalf of the entire Board expressed everyone's pleasure at his presence and the fact that he looks well. Mr. Kilburg thanked everyone for the kind wishes extended to him and stated he would likely not attend at the next two meetings as he attends to his health.

**ADJOURNMENT:**

Mr. Borsky made a motion to adjourn the meeting at 9:35 p.m. Ms. Flood seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
March 7, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Joseph Kilburg

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Tom Price, Code Enforcement Officer  
Diane Dwire, 5<sup>th</sup> Ward Councilor

**ABSENT:**

Richard de la Rosa

The meeting was called to order at 7:00 p.m. by Chairman Feyl, followed by the Pledge of Allegiance.

**PUBLIC HEARINGS:**

1. **Syracuse Utilities (Sprint)**  
**5882 Devoe Road**  
**Camillus, NY 13031**

**TM#: 019.-01-10.0**

**Amended Special Use Permit: Add a generator to the site**

Mr. Carr, per the Board's request at the last meeting, submitted correspondence to the applicant indicating that their application would be dismissed if they did not appear at this meeting. The applicant contacted him upon receipt of his letter and indicated they would submit a letter to the ZBA requesting that the application be withdrawn, with the intent of resubmitting it at a future date when they are prepared to move forward with the project. No correspondence from the applicant was received.

Ms. Flood moved to dismiss the application without prejudice. Mr. Kilburg seconded the motion and it was unanimously approved.

**Comments of the Public:**

None

**Comments of Town Officials:**

Tom Price, Code Enforcement Officer, appeared before the Board to discuss the Special Use Permits granted to Lamar Advertising at the previous meeting of the ZBA.

Mr. Price explained that the applicant applied for building permits relative to the 3996 Boxcar Lane and 3688 Milton Avenue properties, but that his office was unable to issue those permits because the applicant cannot meet the distance requirements of Municipal Code 30.1303(F), a requirement of the Special Use permit granted, which requires the billboard to be 1000' from any residence, public or private school, park or place of worship and also requires the billboard to be 1500' from any other billboard.

In discussing the matter, it seems that the law's wording "to be measured in a straight line" led to differing interpretations of whether the distance was to be measured in a linear or radial fashion. Mr. Price confirmed with Town Attorney, Dirk Oudemool that the distance is to be measured as a radius. Given the distance stipulations in the existing law, this requirement makes it virtually impossible that any property would meet the conditions required for a Special Use Permit for billboards, and so the law does not sufficiently address the original intent. As such, Mr. Oudemool will pursue with the Town Board having the law revised to appropriately address the original intent by reducing the required footage.

Because there is no error with the Special Use Permit issued by the ZBA, it was Mr. Carr's recommendation that the ZBA take no action at this time. When and if the Town Board passes the revised law, the ZBA may then consider reopening the Lamar applications and making any necessary revisions to align the previously issued Special Use Permits with any new requirements of the Municipal Code.

Unrelated to this topic, Mr. Kilburg inquired of Mr. Price what the standard policy is with regard to the number of small signs on business properties, independent of their permanent signage. Mr. Price stated that businesses are typically given ample leeway for signage during the 30-day grand opening phase and that other signage, such as A-frames, are typically allowed near the building but not on the road. He stated that such signage is not expressly allowed by the Municipal Code but he has generally allowed limited use of it and would favor an amendment to the Municipal Code to allow it.

## **NEW BUSINESS:**

### **Applications:**

- 1. Rosati, Lou  
6000 Breed Road  
Camillus, NY 13031**

**TM#: 021.-02-13.1**

### **Area Variance: Windmill**

Chairman Feyl stated that he received a phone call from Mr. Rosati, who wished to discuss this pending application. Mr. Feyl explained to him that this is a very unusual request and suggested that Mr. Rosati be prepared to submit letters from every neighbor within a reasonable distance of his property expressing their support of allowing a structure such as this in their neighborhood.

Mr. Carr explained that the Municipal Code defines an accessory use or structure as those that are customarily subordinate and incidental to the principal use of the property. As the principal use of this property is single-family residential, it is arguable whether a 120' windmill could be considered customary or incidental to this use and therefore even permitted on the property; an issue that must be addressed before possible consideration of the requested area variance can even take place.

Chairman Feyl moved to declare this a SEQR Type II action and to set a public hearing for April 4, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

2. **Uczen, Christopher** **TM#: 006.-04-12.4**  
**6139 Van Alstine Road**  
**Camillus, NY 13031**

**Special Use Permit: Accessory Structure**

Chairman Feyl moved to declare this an unlisted SEQR action, refer it to the Town Planning Board, and set a public hearing for April 4, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

3. **Chatfield, Jon & Olena** **TM#: 059.-03-17.0**  
**207 Stonehedge Road**  
**Camillus, NY 13031**

**Special Use Permit: Home based cosmetology business**

Mr. Burke moved to declare this an unlisted SEQR action and set the public hearing for April 4, 2006. Mr. Borsky seconded the motion and it was unanimously approved.

4. **Powers, John** **TM#: 024.-02-11.1**  
**Forward Road Tract**  
**Camillus, NY 13031**

**Special Use Permit: Ropes course**

Chairman Feyl moved to declare this an unlisted SEQR action, refer it to the Town Planning Board, refer it to the County Planning Board, and set the public hearing for April 4, 2006. Mr. Borsky seconded the motion and it was unanimously approved.

5. **Pirro, Steve** **TM#: 040.-01.37.0**  
**214 Vanida Drive**  
**Camillus, NY 13031**

**Area Variance: Home addition**

Mr. Burke moved to declare this a SEQR Type II action, declare a negative declaration, and set the public hearing for April 4, 2006. Chairman Feyl seconded the motion and it was unanimously approved.

**Minutes of the Previous Meeting:**

Mr. Burke requested that page 10, paragraph 4 of the February 7, 2006 meeting minutes be revised to specifically note that, in addition to the existing verbiage and attachments in the record outlining both the ZBA and Planning Board's verification of the applicant's compliance with the required conditions of section 30.1303(F) of the Municipal Code, he wanted a complete questioning of the applicant's compliance with section 30.1303(F) articles 1 – 9 and so personally reiterated each of these conditions by reading them verbatim and requiring the applicant to respond to each individual item.

Ms. Flood moved to approve the minutes of the February 7, 2006 meeting with the specified revisions. The motion was seconded by Mr. Kilburg and unanimously approved.

**Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$775.00.

Mr. Kilburg made a motion to approve payment of the submitted voucher. Mr. Burke seconded the motion and it was unanimously approved.

**Correspondence:**

A memo was received from Town Supervisor, Mary Ann Coogan regarding the assembly of a committee to update the Town's Comprehensive Plan. Chairman Feyl noted that he and Vice-Chairperson Flood would be participating barring any objections from the remainder of the Board. There was none.

A memo was received from Town Supervisor Mary Ann Coogan regarding an upcoming seminar in Albany, NY on April 27, 2006 regarding the design of traffic roundabouts.

A letter was received from Town resident Lyn Keane of 103 Vanida Drive, who expressed her thoughts and opinions regarding the proposed development on the corner of Vanida Drive and W. Genesee Street, the application for which is currently under review by the Town Planning Board.

**COMMENTS OF THE BOARD:**

Chairman Feyl noted that Diane Dwire, 5<sup>th</sup> Ward Councilor, had inquired about the possibility of expediting ZBA applications received early enough in the month to allow proper advertisement by eliminating the need for a board motion to set the public hearing and starting the process immediately.

After discussion, the Board remains of the opinion that, although they have the prerogative to exercise this right when there is some compelling reason to do so, it should remain a tool to be employed for urgent or exceptional matters rather than as a matter of course.

Ms. Flood informed the Board that Pacino's Pizzeria, whose application was previously before the ZBA, is now open. She stated that the business owners' effort to make their business a success is evident and she thought ZBA members might be interesting in visiting to see the results.

Ms. Flood invited everyone to attend the Octagon House's Mystery Dinner Theater this upcoming weekend.

**ADJOURNMENT:**

Mr. Borsky made a motion to adjourn the meeting at 8:30 p.m. Ms. Flood seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
April 4, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Diane Dwire, 5<sup>th</sup> Ward Councilor  
John Fatcheric, Planning Board Chairman  
Roger Pisarek, 1<sup>st</sup> Ward Councilor  
9 others

**ABSENT:**

Joseph Kilburg

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

**PUBLIC HEARINGS:**

1. **Rosati, Lou  
6000 Breed Road  
Camillus, NY 13031**

**TM#: 021.-02-13.1**

**Area Variance: Windmill**

Mr. Rosati appeared before the board along with his technical consultant for the project, Don Klein, a licensed electrician who will handle the installation should the project be approved.

Chairman Feyl inquired of Mr. Rosati whether he had obtained the previously requested written support of his neighbors relative to this project. Mr. Rosati presented letters from property owners at 2550 Rolling Hills Road, 2427 Hunt Road, 5956 Breed Road, 5986 Breed Road, 6028 Breed Road, 6056 Breed Road, and 120 Snowflake Circle, all expressing their approval.

Mr. Borsky asked Mr. Rosati to describe the project for the Board's benefit. Mr. Rosati explained that he owns 16 acres of land on Breed Road with a log home located approximately 600' off the road. The home has a geothermal heating system and a well pump system. His pursuit of this project is the result of his longstanding desire to have his own windmill for personal energy generation purposes, the fact that he currently loses his water service whenever he loses his power, and his current opportunity to obtain one at a reduced cost. He proposes to locate the windmill approximately 225' behind the existing home, on nearly the highest point of his property, which estimates indicate should generate four seasons of wind power. The generator would be located on the top of the windmill as part of the blade system and there would be a two-meter energy tracking system including a usage meter and a credit meter.

Mr. Borsky inquired whether the windmill would generate more power than would be needed by the applicant and, if so, whether he intended to sell the power back to National Grid. Mr. Klein explained that their estimates indicate that the windmill should generate 70% to 80% on average of the power required by Mr. Rosati, but there will be times when it generates more. The project will be done in part with grant funding from NYSERTA (New York State Energy Research Development Association) and state law dictates that the two meters will run concurrently to reflect the actual activity. In months where more energy is produced than is used, a credit will be logged on the credit meter and in months where usage exceeds the energy produced, the owner must pay the difference. At the end of 12 months of producing energy, the net production is reviewed and if the owner produced more than they used, they would be paid at wholesale rates and if they produced less than they used, the billing continues as usual.

Mr. de la Rosa inquired about the grounding of the structure. Mr. Klein indicated that it would be well grounded for both safety reasons and to protect what is a very expensive investment for the owner. The structure would be grounded at the pole, the cable is a plastic covered metal sheathed flexible conduit with copper conductors, there would be ground rods at the bottom of the pole, the three sets of guide wires would have their own ground rods, and there would be a separate grounding conductor site per the National Electrical Code that would go from the disconnect at the bottom of the pole to the disconnect at the house where there would be another ground rod, and it would also be grounded at the present electrical meter. He further explained that the structure would be subject to testing with a megohmmeter as part of the installation process to ensure it meets certain specifications and, if it does not, additional grounding features would need to be installed before they could obtain approval. He added that the windmill being proposed is currently in use in every U.S. state and approximately 50 countries worldwide.

Mr. de la Rosa questioned whether Mr. Rosati, in seeking the neighbors' opinions of this project, received any negative responses. Mr. Rosati indicated that two of the neighbors to whom he provided letters did not respond, but that they were present in the meeting room for the public hearing. He also stated that one neighbor expressed verbal support, but was not willing to provide a written response.

Mr. Burke requested clarification of the positioning of the structure on the property. Mr. Rosati confirmed the structure would be approximately 158' off the property line and that the home on the adjacent property on Snowflake Circle is another 100' beyond that. Mr. Burke also inquired whether the applicant had any data to present with regard to sound factors related to the operation of the windmill. Mr. Klein stated he did not have figures available but would pursue obtaining them from the manufacturer. He did share that a similar tower was visited in Locke, NY on a day with 15 to 20 mph winds and the only sound that was audible from a standing position at the base of the tower was a soft whoosh type sound. Chairman Feyl requested that the applicant provide frequency and decibel figures for the Board's review.

Ms. Flood requested that the distinctions between the size and sound of a typical commercial windmill and the one being proposed by Mr. Rosati be made. Mr. Klein explained that commercial models have 70' propellers for a total span of 140' across. These models can exhibit the low resonance humming noises many associate with

windmills. The model being proposed for Mr. Rosati's property has 11.5' propellers for a total span of 23' across and does not produce the sounds typical of commercial models.

Ms. Flood inquired what the overall cost of the project is estimated to be. Mr. Klein indicated it would be in the \$30K range prior to the application of any grant monies to defray the cost.

Ms. Flood confirmed that there is a line of trees between Mr. Rosati's house and Breed Road and that the span between his property and the properties on Snowflake Circle is mostly open space. Ms. Flood inquired whether Mr. Rosati planned to extend any buffering and he stated his goal is to augment the existing hedgerow as much as possible. Chairman Feyl inquired what the height of the existing trees on the property was and Mr. Rosati indicated they are approximately 80' high, which would visually block a large portion of the structure.

Ms. Flood noted that there is no landscaping on the Snowflake Circle properties and questioned whether Mr. Szczech, the developer of the Singing Hills subdivision, planned to provide landscaping for the properties or whether that was up to the homeowners. Mr. Rosati stated that Mr. Szczech had indicated that he would ensure there were several trees on all the properties. He further noted that he personally has planted approximately \$3K worth of trees on the easement he owns in that vicinity.

Mr. Burke voiced his concerns about the aesthetic impact of the windmill on the area, particularly with regard to views from the existing subdivision and any future subdivision. Chairman Feyl noted that there have been high-tension wires in the vicinity for years and that does not seem to have deterred the development of the surrounding properties despite their lack of aesthetic appeal.

Mr. Borsky inquired whether there would be any safety precautions to prevent anyone from attempting to climb the structure. Mr. Klein explained that despite the fact that there is no foolproof way to secure the tower from someone determined to scale it, safety is their primary concern and so they will make it as difficult as is possible for anyone to attempt to climb the structure. Chairman Feyl noted that there have typically not been issues with anyone attempting to climb similar existing structures in the town, such as cell towers.

Mr. de la Rosa inquired what would happen if the project were approved by the Board, but Mr. Rosati was not able to obtain the NYSERTA grant funding. Mr. Klein indicated that NYSERTA has strict requirements that must be met in order to obtain a grant. If the application or the project specifications fail to meet those requirements, it would be rejected by NYSERTA. If that happened and they were unable to make the appropriate modifications to Mr. Rosati's proposed project in order to resubmit the application, meet those requirements and obtain a grant, the project would likely not move forward.

#### Public Comment

Jeff Reina, who is currently under contract to purchase the house being built on Lot 14 of the Singing Hills subdivision, which he believes will have a street address of 128 Snowflake Circle, addressed the Board regarding Mr. Rosati's application. After reviewing the sketches submitted by Mr. Rosati, Mr. Reina explained that while he applauds Mr. Rosati's environmental consciousness, he couldn't support the

construction of the windmill because he is not comfortable with the high level of visibility that he would be subjected to from his property.

Jim Sheldon, of 134 Snowflake Circle, explained his property lies south of Mr. Rosati's and expressed his lack of support for the construction of the windmill. He also indicated that the \$3K worth of trees Mr. Rosati mentioned having planted on his property are pine trees of only approximately 3' to 6' in height. He clarified with regard to Ms. Flood's question about landscaping within the subdivision that the covenants require residents to install a tree in the front lawn of at least 1.5" in diameter (or if on a corner lot install one on each road facing side of the property) within 12 months of closing. He also suggested it be considered whether the footprint of the tower should be determined by the span of just the main structure or the span of the main structure and guide wires.

Bill Ballestra of 110 Snowflake Circle expressed his general support of green power, but stated he could not support Mr. Rosati's project due to the negative visual aesthetic impact he believes the windmill would have on the area.

Roger Pisarek, 1<sup>st</sup> Ward Councilor, suggested that the Board also consider any "flicker" effect (reflection of light off the blades and coming through the blades as they rotate) that might have a visual impact. He also expressed his concern over lightening strikes, but noted that it does seem clear that this issue is being given proper attention in the project specifications.

Christopher Uezen of 6208 Breed Road expressed his support of efforts to use wind power and mentioned that there is such a structure in place at the Empire Expo Center should anyone wish to see it.

Mr. Rena again addressed the board, questioning whether this type of application is even allowable for property of this zoning classification. Chairman Feyl requested that Mr. Carr address that question. Mr. Carr stated that the law permits the employment of any principal uses allowed within a particular zoning classification and any accessory structures that are customary or incidental to the permitted principal use. Given that, he believes the question at hand is whether the proposed windmill is considered an accessory structure customary or incidental to the R1 zoned residential use being applied to the applicant's property. He suggested that a windmill is not normally considered a customary accessory structure for residential purposes and it would be his assessment that such a structure is not a permitted accessory structure within a residential R1 use. Chairman Feyl further explained that this particular issue is one of the things that the Board will be determining in their continued review of this application.

Mr. Belle posed the question of whether the structure could be considered necessary by virtue of Mr. Rosati's choice not to use conventional power. Mr. Carr provided an analogy to explain that choice doesn't make it necessary and that quality and quantity dictate the viability of an item as an accessory structure.

Ms. Flood questioned whether a structure height of 120' was necessary or if a lower structure might be considered. Mr. Klein stated that the higher the tower, the better power that can be generated, which is why commercial towers are so large. He explained that 120' is standard for residential use, with anything higher being too cumbersome and anything lower than 110' resulting in a significant reduction in the effectiveness of power generation. Since a height reduction of 10' would have little if

any aesthetic or visual impact on this project, the choice was made to use the standard 120' height. Councilor Pisarek added that there are wind charts available that provide guidelines regarding the effectiveness that can be achieved with these types of structures.

Ms. Flood moved to continue the public hearing until the May 2, 2006 meeting. The motion was seconded by Mr. Belle and it was unanimously approved.

2. **Uczen, Christopher**  
**6139 Van Alstine Road**  
**Camillus, NY 13031**

**TM#: 006.-04-12.4**

**Special Use Permit: Accessory Structure**

Chairman Feyl read into the record a letter dated 4/4/06 from Planning Board Attorney Paul Curtin (attached) regarding that Board's positive recommendation back to the ZBA on this application.

Mr. Uczen appeared before the Board to review his application.

Ms. Flood confirmed that the proposed structure would be located on 6143 Van Alstine Road.

Mr. Burke questioned whether the driveway cut had been approved by the Highway Superintendent because the sharp bend in the grade concerned him. Mr. Uczen indicated that Mr. Pigula had approved a couple of different areas for use, including the existing driveway on the 1.8-acre lot, so he chose to use that out of simplicity. Chairman Feyl reiterated that the Planning Board letter previously read into the record did state that the driveway cut was approved and explained that the approval would have been based on verification that it met the required 100' sight visibility in both directions. Mr. Fatcheric, Planning Board Chairman, stated that he is personally familiar with the site and the approved driveway and confirmed that there is sufficient site distance to even back in a large truck. Mr. Burke questioned what he felt to be the large dimensions of the proposed structure and Chairman Feyl explained that the dimensions indicate it to be the size of a three-car garage, which can be easily accommodated by this 20+ acre property.

Mr. de la Rosa confirmed that the garage being proposed would be forward of the rear building line and mentioned that, when the house is to be built, a variance may be required depending on the zoning in that location.

Ms. Flood moved to close the public hearing. Mr. Belle seconded the motion and it was unanimously approved.

3. **Pirro, Steve**  
**214 Vanida Drive**  
**Camillus, NY 13031**

**TM#: 040.-01.37.0**

**Area Variance: Home addition**

Mr. Pirro appeared before the Board to review his application, providing detailed architectural drawings of the addition he proposes to add to his house.

Ms. Flood inquired whether Mr. Pirro had sought any feedback from the neighbor whose home this addition will face. Mr. Pirro explained that, since only the neighbor's windowless garage would face his addition, he had not pursued any feedback assuming there would be no visual impact to the neighbor.

Mr. Borsky noted that the power pole on the property has guide wires extending toward Mr. Pirro's house and inquired whether there were any issues related to that. Mr. Pirro stated that although the view from the addition's window will not be particularly pleasing due to the presence of the pole, he does not intend to request any action by National Grid to move or alter it.

Chairman Feyl noted that the variances being requested are quite small and concurred with Mr. Burke and Mr. de la Rosa that the proposed changes fit the aesthetics of the neighborhood very well.

#### Public Comment

John Williams of 209 Vanida Drive expressed his support of Mr. Pirro's proposed project, noting that the renovations would be a welcome enhancement to the neighborhood.

Mr. Belle moved to close the public hearing. Mr. Borsky seconded the motion and it was unanimously approved.

**4. Chatfield, Jon & Olena  
207 Stonehedge Road  
Camillus, NY 13031**

**TM#: 059.-03-17.0**

#### **Special Use Permit: Home based cosmetology business**

Chairman Feyl read into the record a letter dated 4/4/06 from Planning Board Attorney Paul Curtin (attached) regarding that Board's positive recommendation back to the ZBA on this application. He also explained that Ms. Chatfield has notified the Board of her inability to attend the meeting because she is a student and must be in class each evening. The concern of several Board members that Ms. Chatfield did not arrange for a representative to attend on her behalf was noted as well as the fact that the Board is able to handle this matter via written correspondence with the applicant.

Chairman Feyl read into the record a letter from the applicant to the Planning Board, which was shared with the ZBA as a courtesy:

Dear Planning Board members:

I am a licensed cosmetologist. I have finished the Phillips School of Cosmetology and have experience of work in hair salons.

Now I am looking forward to be self-employed in my own place:

- I own a single-family house with a walk out basement

- There is a four-car parking space driveway
- A door from the driveway into the basement – no stairs
- No stairs on the way from the driveway to the basement
- A good size window from the room in the basement
- Ventilation fan in the basement wall
- Restroom attached to the room in basement
- A little waiting area
- A single salon chair
- A sink for washing hair
- All needed equipment for a single cosmetologist

There will be no disturbance in the neighborhood and no parked cars on the side of the road. If permitted, I will be working by myself and timing between customers will be spaced out.

The surface water drainage won't be affected.

A have a light on my driveway, but not planning to work late evenings,  
Working days: Monday through Friday, and couple appointments on Saturday. 10:00 – 4:00

Please, do not deny me of obtaining a Special Use Permit. I can not attend the meeting as I am in school Monday through Friday 6:00 pm – 10:00 pm.

Sincerely,

Olena Chatfield

The Board collectively assembled a list of items to be addressed by the applicant including: the total square footage of the home, the total square footage of the workspace, and a description of any signage to be used. Chairman Feyl asked Mr. Carr to contact the applicant in writing to request that she appear at the next meeting if possible and that she submit formal correspondence to the ZBA that covers all the issues in her letter to the Planning Board, as well as the additional items presented by the ZBA.

Mr. Belle stated his belief that the applicant should either take the night off from school to appear before the ZBA or resubmit the application when her schedule clears. He also suggested that, although not required by law, that it would be good practice for the applicant to notify the surrounding neighbors of her intentions. Diane Dwire, 5<sup>th</sup> Ward Councilor stated that the applicant has not contacted her, but she will make an effort to connect with the applicant to obtain any additional information she can on this issue.

Mr. Belle moved to continue the public hearing until the May 2, 2006 meeting. The motion was seconded by Ms. Flood and it was unanimously approved.

**5. Powers, John  
Forward Road Tract  
Camillus, NY 13031**

**TM#: 024.-02-11.1**

**Special Use Permit: Ropes course**

Chairman Feyl read into the record a letter dated 4/4/06 from Planning Board Attorney Paul Curtin (attached), regarding the ZBA's request for a recommendation on this application. The Planning Board has requested that the ZBA continue this application to

allow the Planning Board additional time to contact the Town of Marcellus to discuss the parallel application before them because the balance of the property is in that town.

Mr. de la Rosa moved to continue the public hearing until the May 2, 2006 meeting. The motion was seconded by Mr. Borsky and it was unanimously approved.

**Comments of the Public:**

None

**Comments of Town Officials:**

None

**NEW BUSINESS:**

**Applications:**

1. **Rinaldo, Raymond** **TM#: 005.-03-26.0**  
**2555 Canal Road**  
**Camillus, NY 13031**

**Area Variance: Accessory Structure**

Chairman Feyl moved to declare this a SEQR II action and set a public hearing for May 2, 2006. Mr. de la Rosa seconded the motion and it was unanimously approved.

**Minutes of the Previous Meeting:**

Mr. Burke stated that item number 1 in new business needed to note the second of the motion.

Ms. Flood moved to approve the minutes of the March 4, 2006 meeting as amended. Chairman Feyl seconded the motion and it was unanimously approved.

**Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$900.00.

A voucher was received from Eagle Newspapers for advertising fees totaling \$70.11.

Mr. Burke made a motion to approve payment of the submitted vouchers. Mr. de la Rosa seconded the motion and it was unanimously approved.

**Correspondence:**

Chairman Feyl presented the most recent issue of "Planning News" noting it contained information regarding this year's conference to be held October 8-11 in Saratoga, and verified that all Board members had the information so they could plan appropriately.

**COMMENTS OF THE BOARD:**

Mr. Borsky noted that the most recent issue of "Planning News" contains information regarding a law going into effect on July 1, 2006 that will require municipalities to provide a copy of public hearing notices to neighboring municipalities for special permits, use variances, site plans, and subdivisions within 500 feet of the neighboring municipality.

Ms. Flood inquired whether there had been any further correspondence regarding the Lamar billboard applications. Chairman Feyl stated there had not.

Mr. Carr submitted two documents for the Board's review: "Permitting Small Wind Turbines: A Handbook – Learning from the California Experience" and an article from the New York Zoning Law and Practice Report entitled "Planning & Zoning for Wind Power in New York", both of which he believes would be of interest in light of the application currently before the Board and the lack of direct legislation to refer to.

Chairman Feyl submitted for the Board's review a memo from the Marcellus Town Clerk that includes a copy of the proposed zoning ordinance regarding wind energy that will be considered at a public hearing there on April 10, 2006.

## **DECISIONS**

1. **Uczen, Christopher** **TM#: 006.-04-12.4**  
**6139 Van Alstine Road**  
**Camillus, NY 13031**

### **Special Use Permit: Accessory Structure**

Mr. de la Rosa moved to grant a special use permit to build an accessory structure prior to the primary structure being built. Chairman Feyl seconded the motion and it was unanimously approved.

2. **Pirro, Steve** **TM#: 040.-01.37.0**  
**214 Vanida Drive**  
**Camillus, NY 13031**

### **Area Variance: Home addition**

Mr. Burke moved to grant a 2' variance on the minimum side yard setback and a 5' variance on the total side yard setback. Mr. Belle seconded the motion and it was unanimously approved.

## **ADJOURNMENT:**

Mr. de la Rosa made a motion to adjourn the meeting at 9:12 p.m. Mr. Borsky seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
May 2, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa  
Joseph Kilburg

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Diane Dwire, 5<sup>th</sup> Ward Councilor  
Tom Price, Code Enforcement Officer  
Approximately 20 others

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

**PUBLIC HEARINGS:**

1. **Rosati, Lou  
6000 Breed Road  
Camillus, NY 13031**

**TM#: 021.-02-13.1**

**Area Variance: Windmill**

*(continued from 4/4/06)*

Mr. Rosati appeared before the Board along with his technical consultant for the project, Don Klein. As previously requested by the Board, Mr. Rosati presented information regarding the windmill's decibel levels in the form of excerpts from the "Wind Power New York" website and a copy of a letter dated July 12, 2001 from "Wild Sanctuary" to Bergey Windpower Co., Inc. (the manufacturer of the windmill Mr. Rosati is proposing) regarding the sound levels of an installation in Solano County, CA.

Mr. Borsky noted the age of the letter submitted and inquired whether there was any more recent data. Mr. Klein indicated that, although newer windmill technology has made the units even quieter than described in the materials presented, there was no new written data available to present to the Board.

Mr. Kilburg asked for clarification of the figures provided in the presented materials. Mr. Klein summarized that in measurements in excess of 100', the ambient sound of area grape leaves rustling tended to be louder than the turbine blades. With regard to the difference between the turbine being on or off, at 20' (a distance that would only affect Mr. Rosati) the difference in sound was less than 5 dB and at 200' away (which would be equivalent to the edge of Mr. Rosati's property) the difference would only be .2 dB, which he did not believe was perceptible by the human ear. Mr. Rosati added that, by

way of comparison, a refrigerator is just over 40 dB and a direct vent furnace such as is present in the housing development adjacent to his property is 72 dB.

Ms. Flood inquired whether the windmill might be placed on the northeastern most backline of the property. Mr. Rosati indicated that he'd love to place it there but chose a more centrally located placement on his property to minimize the variance needed from the Town as well as to meet NYSERTA (New York State Energy Research Development Association) requirements for distance from boundary lines.

Mr. Rosati presented a video that he took of a similar windmill structure that illustrated the sound levels at varying distances. The video also included footage of the adjacent housing development as filmed from his property, as well as footage of his property filmed from within the housing development.

In closing, Mr. Rosati stated that in his opinion, a windmill is not luxury item but rather an item that will help the environment and provide economic benefit. Mr. Klein added that he has been studying earth sciences for over forty years and it's clear that with the continued increase of fossil fuel expenses and populations, wind power will most likely become the cheapest source of energy within ten to twenty years. A machine such as is being proposed will prevent the production of over 250 tons of manmade greenhouse gasses and keep 1.2 tons of air pollutants out of the air during it's expected thirty year lifespan. He doesn't believe one can support green power technology but deny it's presence in their own backyard and he hopes the Board and the Town will view green power options as a positive development for the benefit of future generations.

#### Public Comment

Jeff Reina, who is currently building a home at 128 Snowflake Circle, addressed the Board regarding Mr. Rosati's application. He indicated that his house is 60' from the property line, not 100' as was previously reported. Further, the trees behind his property that were planted by Mr. Rosati are only three to six feet tall and he doesn't believe the hedgerow to be 80' tall as was previously reported. He stated that Mr. Rosati does not own the easement where the trees were planted; his rights to access the property ceased when the development of the property commenced.

Mr. Reina suggested that the Board reconsider this action as an unlisted or Type I action under SEQR, rather than a Type II as was declared. Due to the nature of the project and the variance being requested, as well as the question of whether the windmill proposed could even be considered an accessory structure under the law, he believes there may be reason to reclassify the project. He requested that the Board require submission of the short environmental assessment form or, preferably, the long form.

Chairman Feyl reviewed the standard of proof required by the Board and the fact that the Board, in making a decision on any application, always takes into consideration the benefit to the applicant as weighed against the detriment to the health, safety, and welfare of the community.

Jim Sheldon, of 134 Snowflake Circle, inquired about the windmill legislation under consideration by the Town of Marcellus and whether the Board was aware of any further developments. Chairman Feyl indicated that he was not aware of any further developments and to his knowledge, the proposed law was still under consideration.

Pam Rosati, of 6000 Breed Road, stated her feeling that the existing trees, which will continue to grow, and the existing sizable hedgerow already provide significant screening for the structure and that will only increase over time. Further, she stated that although she can understand the tendency of some to be scared by this new technology, she doesn't consider the structure threatening or ugly.

Bill Ballestra of 110 Snowflake Circle stated that, although he can appreciate the green aspect of implementing wind power, he has viewed the windmill in Fenner, NY and sees the one at the New York State Empire Expo Center several times a week and he finds them aesthetical unpleasing. He believes 120' is high enough that he will clearly see it from his property.

Charlie Duffy, of 1022 Wheatfield Lane, commended the Board for addressing this issue in a serious manner, as he feels green power is an issue that will become much more prevalent in the coming years. He believes he will be able to see this windmill from his property but, although he doesn't embrace the aesthetics of it, he does embrace the purpose for which it will serve and so he has no problem with it being erected.

Chairman Feyl closed the public hearing.

**2. Chatfield, Olena  
207 Stonehedge Road  
Camillus, NY 13031**

**TM#: 059.-03-17.0**

**Special Use Permit: Home Based Business**

*(continued from 4/4/06)*

Diane Dwire, 5<sup>th</sup> Ward Councilor, appeared on behalf of the applicant who was not able to attend the meeting. Councilor Dwire reviewed that the applicant intends to run a single chair hair salon from her home. The house has a driveway that can hold four vehicles, she will place no signage on the property, and she does not intend to advertise. The applicant's intent is to use this business as her primary source of income while attending school over the next year or two to obtain a massage therapy license, after which she plans to obtain full time employment outside her home.

Councilor Dwire has visited neighbors in the area, none of whom indicated any objections to Ms. Chatfield's plan. Of the neighbors directly adjacent to Ms. Chatfield's property, Councilor Dwire was able to speak with one, who expressed support of Ms. Chatfield's plan. The other adjacent neighbor is currently out of state, but another neighbor who knew them stated they believed that particular neighbor would likely have no problem with Ms. Chatfield's proposed business.

Mr. Borsky inquired what floor the salon would be located on and where the entrance would be. Councilor Dwire stated the salon would be located on grade level and the entrance would be through the garage.

Mr. Burke inquired whether the applicant had supplied the requested total square footage of the house and the total square footage of that to be used for the salon.

Councilor Dwire stated she did not have those figures but would obtain them from the applicant.

Ms. Flood confirmed with Councilor Dwire that the applicant does not intend to continue to run the salon from her home once she completes her massage therapy licensing education and stated her opinion that the decision cannot be based on a one or two-year timeframe since the applicant's plan may change. Ms. Flood also inquired of Mr. Price whether he had the opportunity to check the property as requested by the Planning Board. He indicated he had not done so because he was not made aware of that request from the Planning Board. He stated he did not foresee any problems but that he would follow up on the issue.

Mr. Belle inquired of Councilor Dwire how long the applicant has resided at her current address, whether she is currently licensed, how long the license is good for, and whether she will give up the license upon completing her current schooling. Councilor Dwire stated that, to her knowledge, the applicant has lived in the home for a few years, is currently licensed in cosmetology, that the license remains valid as long as the applicant continues to renew it, and that the license will not be surrendered upon obtaining the additional massage therapy license although the applicant does not intend to maintain the home business at that point.

Chairman Feyl continued this public hearing until the June 6, 2006 meeting.

3. **Powers, John**  
**Forward Road Tract**  
**Camillus, NY 13031**

**TM#: 024.-02-11.1**

**Special Use Permit: Ropes course**

*(continued from 4/4/06)*

Chairman Feyl read into the record a memo dated 5/2/06 from Planning Board Chairman John Fatcheric (attached), requesting this hearing be continued to allow the Town of Camillus Planning Board, the Town of Marcellus Planning and Zoning Board, and the Town of Camillus Zoning Board of Appeals to conduct a coordinated review of the application.

Ms. Flood cautioned that, because the bulk of the egress and facilities will be in the Town of Marcellus, they would be conducting an extensive oversight of this project that may run the course of three or four sessions. Since they only meet once per month, the application may need to be continued for a number of months to come.

Chairman Feyl also continued this public hearing until the June 6, 2006 meeting.

4. **Rinaldo, Raymond**  
**2555 Canal Road**  
**Camillus, NY 13031**

**TM#: 005.-03-26.0**

**Area Variance: Accessory Structure**

Chairman Feyl reviewed the structure being requested as a 16' x 24' x 15' "Dura-Shed" structure with a lower area of seven feet in height and an upper floor of seven feet plus in height. It will have white vinyl siding and black roofing that matches the existing house on the property. The garage will face north and south with second floor windows on the east and west sides, a man door without a window on the west side, and a custom built low profile 6' x 7' garage style door with windows on the road facing side of the structure. Mr. Rinaldo provided a picture of the structure for the Board's review. The structure is proposed to be situated 10' forward of the rear building line.

Mr. Borsky inquired where, if the structure were erected, any vehicles would be parked. Mr. Rinaldo indicated that the driveway will be paved once the structure is in place and will be wide enough to park four cars abreast in front of the shed.

Ms. Flood questioned whether the back part of the property was usable. Mr. Rinaldo stated that 1.5 acres of his property was taken over as wetlands some years back and all that currently exists in the area being referred to is an old pigeon coop that is no longer being used.

Chairman Feyl closed the public hearing.

**5. Drake, Matt  
5047 Limeledge Road  
Elbridge, NY 13060**

**TM#: 024.-04-03.1**

**Area Variance: Accessory Structure**

Matthew and Constance Drake appeared before the Board. Per Chairman Feyl's request, Mr. Drake presented to the Board correspondence from the adjacent neighbors and the neighbor across the street expressing their support of the applicants' proposal.

Mr. de la Rosa asked why the proposed structure is so high. Mr. Drake stated that they desired storage space in addition to parking space for their vehicles. Mrs. Drake further stated the barn style structure was both aesthetically pleasing and fitting to the area in which their property is located.

Mr. Borsky inquired about the stakes he saw when viewing the property and whether further leveling needed to be done. Mr. Drake stated the stakes indicated the outside dimensions of the proposed structure and that the leveling had been completed.

Mr. Kilburg asked why they were proposing this structure when the property already has a garage. Mr. Drake explained that the current garage is so small that the side mirrors on their vehicles must be folded in order to get through the door. As such, the structure serves no practical day-to-day use for them.

Mr. Burke confirmed that there would be no changes to the driveway cuts as shown and there were no fire code issues to be considered.

Ms. Flood stated she felt there was a demonstrated need for storage and agreed that the proposed structure would blend well into the existing surroundings. Mrs. Drake added that the structure would match the coloring of the house and that the proposed

placement was decided upon as a result of both the negative aesthetics of having to view such a building from the back of the house and also the financial hardship of trying to dig out the limestone in that area in order to erect a structure.

Chairman Feyl closed the public hearing.

**Comments of the Public:**

None

**Comments of Town Officials:**

Mr. Price stated that an application was forthcoming for a sign variance for Cam's New York Pizzeria and asked that the Board give it as immediate attention as was possible.

**OLD BUSINESS:**

Chairman Feyl referenced the Town Board's recent revision of the Municipal Code regarding billboards. Because the ZBA previously passed resolutions for Lamar Advertising at 3996 Boxcar Lane and 3688 Milton Avenue, the findings provisions of which were based on the erroneous numbers formerly in the Municipal Code, a corrective resolution must now be passed to conform to the new requirements of the law.

Mr. Burke moved to adopt a corrective resolution to change the findings of the previously passed resolutions to reflect that billboards may be no more than 350' away from a single-family dwelling, etc. and no further than 1000' apart. Mr. Borsky seconded the motion and it was unanimously approved.

**NEW BUSINESS:**

**Applications:**

1. **Schibeci, Jeanne**  
**303 Chapel Drive**  
**Syracuse, NY 13219**

**TM#: 056.-01-03**

**Special Use Permit: Home Based Business**

Mr. Borsky moved to set a public hearing for June 6, 2006 and refer the matter to Camillus Planning Board for review. Mr. Kilburg seconded the motion and it was unanimously approved.

2. **Bianchi, Anthony**  
**Warners Road**

**TM#: 018.-01-14.0**

**Area Variance: One Family Home & Garage**

Mr. de la Rosa moved to set a public hearing for June 6, 2006, declare this a SEQR Type II action, and refer the matter to SOCPA for review. Ms. Flood seconded the motion and it was unanimously approved.

3. **Griffo, Alan** **TM#: 050.-06-03.0**  
**103 Wynnfield Drive**  
**Syracuse, NY 13219**

**Area Variance: Shed**

Mr. Borsky moved to set a public hearing for June 6, 2006 and to declare this a SEQR Type II action. Mr. Kilburg seconded the motion and it was unanimously approved.

4. **Smith, Robert** **TM#: 007.-02-11.9**  
**6619 Van Buren Road**  
**Warners, NY 13164**

**Area Variance: New House**

Mr. de la Rosa moved to set a public hearing for June 6, 2006, declare this a SEQR Type II action, and refer the matter to SOCPA for review. Ms. Flood seconded the motion and it was unanimously approved.

5. **Schanzle, George & Pat** **TM#: 033.-11-24.0**  
**137 North Way**  
**Camillus, NY 13031**

**Area Variance: Shed**

Mr. Burke moved to set a public hearing for June 6, 2006 and declare this a SEQR Type II action. Chairman Feyl seconded the motion and it was unanimously approved.

#### **Minutes of the Previous Meeting:**

Mr. de la Rosa moved to approve the minutes of the April 4, 2006 meeting. Chairman Feyl seconded the motion and it was unanimously approved.

#### **Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$850.00.

Vouchers were received from Eagle Newspapers for advertising fees totaling \$19.25 & \$20.02.

A voucher was received for ZBA Clerk expenses totaling \$343.03.

Mr. Kilburg made a motion to approve payment of the submitted vouchers. Mr. Borsky seconded the motion and it was unanimously approved.

**Miscellaneous:**

Mr. Kilburg excused himself for the balance of the meeting.

**DECISIONS**

1. **Rosati, Lou**  
**6000 Breed Road**  
**Camillus, NY 13031**

**TM#: 021.-02-13.1**

**Area Variance: Windmill**

Mr. de la Rosa remarked that the aesthetics issue related to this matter is similar to that which was brought up about cell towers when they first came about but, over time, those cell towers have become commonplace and concern has subsided.

Mr. Borsky questioned whether the Town would pass legislation regarding windmills. He suggested that, in granting any variance, the ZBA might be creating something at odds with any eventual legislation of the Town, requiring grandfathering. Chairman Feyl clarified that the only matter before the Board was to consider this matter as an accessory structure under the current law.

Mr. Burke suggested the Board must proceed with caution in considering this matter as it is new technology and this is the Town's first look at it. He believes the Board needs to decide if this is a legitimate accessory structure for a residential use and, if so, he concurs with Chairman Feyl that it must be considered within the guidelines of the current law.

Ms. Flood acknowledged that, as was the case with water towers and cell towers, controversy over the aesthetics of windmills might diminish with increased necessity & placements. However, although wind power is an accepted form of energy generation in some localities, such is not currently the case in New York State. She stated she would have liked to see Mr. Rosati's application conform a bit more and provide some additional alternatives for consideration in terms of placement and height.

Mr. Borsky questioned whether there might be any concern with the FAA requiring a light beacon on the tower and how that might affect the aesthetics. After discussion, it was decided that any variance granted could be conditioned upon there being no light beacon on the tower.

Mr. de la Rosa moved to grant an area variance to allow the construction of a windmill tower 157' off the north and south side property lines, conditioned upon the tower not being lit and maintaining an aesthetically pleasing look that blends with the surrounding environment. The motion was not seconded.

Ms. Flood moved to amend the previous motion to include the condition that additional foliage be planted to obscure the sightline from the housing development next door. The motion was not seconded.

Mr. Burke moved to deny the applicant's request on the basis that the variance is excessive, recognizing that windmills could be a legitimate accessory use to a residence. Ms. Flood seconded the motion. As it was not unanimously approved, the Board was polled:

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

2. **Rinaldo, Raymond** **TM#: 005.-03-26.0**  
**2555 Canal Road**  
**Camillus, NY 13031**

**Area Variance: Accessory Structure**

Chairman Feyl moved to grant an area variance allowing an accessory structure 10' forward of the rear building line. Mr. Belle seconded the motion and it was unanimously approved.

3. **Drake, Matt** **TM#: 024.-04-03.1**  
**5047 Limeledge Road**  
**Elbridge, NY 13060**

**Area Variance: Accessory Structure**

Chairman Feyl moved to grant a 13' side yard variance to allow the construction of an accessory structure. Mr. Belle seconded the motion and it was unanimously approved.

**COMMENTS OF THE BOARD:**

Ms. Flood noted that a line of evergreen trees has been planted on the site of the former "Silverlace" sign that was destroyed. Mr. Borsky commented that the Town promised a wall would be erected in that spot before November 2005, which has not occurred, and the trees she is referring to have blown down at least two times.

Ms. Flood questioned whether the written decision on the Rosati application should specify that the Board does not oppose wind power technology and that, should the Town create legislation specific to windmills in the future, the applicant might consider the project again. Chairman Feyl stated his belief that, in speaking to the applicant and through discussions that took place during the public hearing, the applicant has sufficient understanding of that fact.

**ADJOURNMENT:**

Mr. de la Rosa made a motion to adjourn the meeting at 9:40 p.m. Mr. Belle seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
June 6, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa  
Joseph Kilburg

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Diane Dwire, 5<sup>th</sup> Ward Councilor  
John Fatcheric, Planning Board Chairperson  
Tom Price, Code Enforcement Officer  
Approximately 10 others

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

**PUBLIC HEARINGS:**

1. **Chatfield, Olena  
207 Stonehedge Road  
Camillus, NY 13031**

**TM#: 059.-03-17.0**

**Special Use Permit: Home Based Business**

*(continued from 5/2/06)*

Ms. Diane Dwire, 5<sup>th</sup> Ward Councilor, appeared on behalf of the applicant who was not able to attend the meeting and presented to the Board a letter from Ms. Chatfield addressing the Board's previous questions. Ms. Chatfield's correspondence states that her property is a ranch style home with first floor square footage of 1112 sq. ft. The lower level is divided into a garage and a walkout basement with a front entrance. An 11' x 19' portion of the basement area, less than 25% of the square footage of the living space on the first floor, will be used for the hair salon business. The remaining 12' x 16' of the basement serves as a family room. The driveway can accommodate four vehicles. She does not plan to advertise or install signage on her property related to the business. Photos of the front of the home were included in the correspondence.

Chairman Feyl referenced an email received from Code Enforcement Officer Tom Price, which noted he had visited the applicant's property, verified that the percentage of square footage to be used for the proposed business complies with the zoning requirements, and stated that the Code Enforcement Office has no other issues with the proposed use. Mr. Price added that handicapped access is not necessary for this activity.

There was no public comment.

Chairman Feyl closed the public hearing.

2. **Powers, John**  
**Forward Road Tract**  
**Camillus, NY 13031**

**TM#: 024.-02-11.1**

**Special Use Permit: Ropes course**

*(continued from 5/2/06)*

Chairman Feyl stated that because this matter is still under the consideration by the Town of Marcellus, it must be continued. Mr. Fatcheric added that he has been in contact with the Code Enforcement Officer and Planning Board Chairperson for the Town of Marcellus and they reported to him that they currently have a proposed plan from Mr. Powers before them, have scheduled a public hearing for their July meeting, and have referred the matter to Onondaga County for review.

Chairman Feyl continued this public hearing until the August 1, 2006 meeting.

3. **Schibeci, Jeanne**  
**303 Chapel Drive**  
**Syracuse, NY 13219**

**TM#: 056.-01-03**

**Special Use Permit: Home Based Business**

Jeanine & Bart Schibeci appeared before the Board. Chairman Feyl referenced the applicant's appearance before the Planning Board for review of this matter and Mr. Fatcheric stated that the Planning Board desires a continuance as they have requested the applicant submit a current survey of the property that depicts the garage, as well as photographs of the property.

Chairman Feyl referenced an email received from Code Enforcement Officer Tom Price, which noted he had visited the applicant's property, confirmed the proposed business will only occupy 225 sq. ft. / approximately 9% of the total floor area of the 2464 sq. ft. house, which complies with the zoning requirements, and stated that the Code Enforcement Office has no other issues with the proposed use. Mr. Price had previously stated that handicapped access is not necessary for this activity.

In light of the fact that the applicant supplied the requested survey and photographs to the Zoning Board of Appeals at this hearing, Chairman Feyl suggesting moving on the application if the Planning Board Chairperson approved. Mr. Fatcheric indicated he had no objections to that.

Mr. Borsky inquired whether all vehicles would be parked all the way in the driveway to prevent the need to move multiple cars at once. Ms. Schibeci indicated that would be the case and added that, because her intention is serve only one customer at a time, moving the cars in the driveway would be unnecessary.

Mr. Kilburg questioned whether the neighbors had any objections to the proposed business and Ms. Schibeci indicated they did not.

Ms. Flood commented that, when she viewed the property, there were three vehicles parked and there appeared to be plenty of room to move a single vehicle out of the driveway without necessitating moving the other vehicles to do so. She further noted that, although not required, a wheelchair bound person would have easy accessibility to the business due to the level nature of the areas concerned.

Mr. Burke confirmed with Ms. Schibeci that she is not already operating the business and that she understands she cannot have additional employees.

There was no public comment.

Chairman Feyl closed the public hearing.

**4. Schanzle, George & Pat  
137 North Way  
Camillus, NY 13031**

**TM#: 033.-11-24.0**

**Area Variance: Shed**

George Schanzle appeared before the Board and presented photos of his property for the Board's review. He desires to place a shed on the northeast side of his property, which also contains a drainage easement.

Mr. de la Rosa questioned why the shed is being proposed for the side of the house rather than the rear of the house. Mr. Schanzle explained that drainage ditch limits his choices for placement of the shed in the rear yard. Additionally, his rear yard is small so rather than encroach on that, he believes the side yard would be a better option, particularly in light of the fact that the proposed shed is only 4' 7" wide, 3' 1" deep, and 6' high and the existing 6' fence would obscure the view of the structure from other properties.

Mr. Borsky inquired whether the shed would match the existing home. Mr. Schanzle explained that the proposed shed is a prefabricated resin material that will blend with the existing surroundings.

Mr. Kilburg commented that he has viewed the property and the proposed area would be well concealed by the fence. He further commented that the proximity to the railway to the rear of the property does create some additional difficulty for the homeowner.

Mr. Burke concurred with Mr. Kilburg's remarks about the topographical problems created by the railroad to the rear of the property.

There was no public comment.

Chairman Feyl closed the public hearing.

**5. Bianchi, Anthony  
Warners Road**

**TM#: 018.-01-14.0**

**Area Variance: One Family Home & Garage**

Anthony Bianchi appeared before the Board seeking an area variance that would allow him to place a one family frame home and detached garage less than 70' from the street right of way, consistent with the existing non-conforming houses in the area. The applicant provided pictures of the properties surrounding that on which he proposes to build and noted those property's structures are distances of 18' to 24' from the road.

Mr. Burke acknowledged that while a variance to the required 70' setback might be advised in this particular area, he feels that any variances granted in situations such as this should at least adhere to the standard 35' setback required on non-arterial roads, as opposed to granting individualized variances based on bringing new structures in line with those that exist on the surrounding properties.

There was no public comment.

Chairman Feyl closed the public hearing.

**6. Smith, Robert  
6619 Van Buren Road  
Warners, NY 13164**

**TM#: 007.-02-11.9**

**Area Variance: New House**

Robert Smith appeared before the Board and explained that the property in question is adjacent to his existing home, which was previously granted an area variance of 35'. He is seeking an identical variance on this property so that he may construct a ranch or two-story style home in alignment with the existing structure on the adjacent property. He provided pictures to illustrate that the land on the property slopes quite a bit and so building behind the 70' setback would require an inordinate amount of fill. He also noted that the property on the other side of this one is a vacant lot.

Mr. de la Rosa concurred that the topography creates a need for the placement as proposed by the applicant.

Mr. Kilburg noted that all the homes on the road, from Winchell Road up to #6618 Van Buren seem to closer than 70' to the road, some closer than 35".

Ms. Flood asked what the applicant knew about the fill being brought in to the property at #6621 and whether a house was being built. Mr. Smith stated he noticed the clearing activity on that property but was unsure of the reason for it. Ms. Flood inquired whether the applicant had a survey of the property on which the existing house sits and Mr. Smith indicated he did not.

Mr. Burke stated that the property to the south of Mr. Smith's existing house was the first to be granted a variance due to the topographical issues, and the topography of this particular property is even more challenging.

There was no public comment.

Chairman Feyl closed the public hearing.

7. **Cam's Pizzeria**  
**112 Kasson Road**  
**Camillus, NY 13031**

**TM#: 065.-04-13.001**

**Area Variance: Signage**

No representative appeared on behalf of the applicant. Chairman Feyl inquired whether Mr. Price knew what the status of the applicant was, as it was at his request that the Board had gone to extra effort to expedite this application and accommodate the public hearing at this particular meeting. Mr. Price indicated that it was the applicant's desire to install additional signage on their building and he did not know why there were not in attendance.

Chairman Feyl stated that because additional information regarding the signage is necessary and there is no representative of the applicant available to address that, the Board has no choice but to continue the matter until the July 6, 2006 meeting. Mr. Carr will send follow up correspondence to the applicant.

8. **Griffo, Alan**  
**103 Wynnfield Drive**  
**Syracuse, NY 13219**

**TM#: 050.-06-03.0**

**Area Variance: Shed**

Alan Griffo appeared before the Board and explained his desire to place a new shed on the same location on which a former non-conforming shed existed. He explained that using this location not only allows him to avoid his septic tank and leach field locations, but also a large tree stump that that is economically infeasible to have removed (doing so would require hiring professionals with heavy machinery and necessitate removal of the fence to provide access to the stump). He stated that the proposed shed is a vinyl shed with a pressure treated lumber floor and the dimensions would be approximately 10' x 8' x 7'.

Mr. Borsky inquired whether the shed would match the existing home and Mr. Griffo indicated that it would.

Mr. Kilburg noted that both of Mr. Griffo's adjacent neighbors have non-conforming sheds that are within approximately one foot of their back and side property lines.

Mr. Belle questioned whether the foundation for the shed was already in place. Mr. Griffo stated it was, but could easily be removed if the application is denied.

Ms. Flood asked Mr. Griffo to describe the sightline from the neighboring property behind his and he stated a tree line does exist, but it will not completely obscure the back portion of the shed.

Mr. Burke asked why the shed couldn't be moved to the northeast corner of the property. Mr. Griffo explained that the grade in the last 8' to 10' of his property increases by approximately four feet, which would necessitate heavy equipment to dig out and level, an option that is also economically infeasible.

There was no public comment.

Chairman Feyl closed the public hearing.

**Comments of the Public:**

None

**Comments of Town Officials:**

Mr. Fatcheric requested that, in considering any additional signage to be granted to Cam's Pizzeria, the Board be conservative as a great deal of thought and effort went into the planning of that building in order to obtain a particular aesthetic.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Applications:**

- 1. Gambale, Ganine** **TM#: 028.-10-04.0**  
**148 Fireside Lane**  
**Camillus, NY 13031**

**Area Variance: Shed**

Chairman Feyl moved to declare this a SEQR Type II action and to set a public hearing for July 6, 2006. Mr. Burke seconded the motion and it was unanimously approved.

- 2. Gambale, Ganine** **TM#: 028.-10-04.0**  
**148 Fireside Lane**  
**Camillus, NY 13031**

**Area Variance: Pool**

Chairman Feyl moved to declare this a SEQR Type II action and to set a public hearing for July 6, 2006. Mr. Burke seconded the motion and it was unanimously approved.

3. **Timofy, Margaret** **TM#: 057.-02-12.0**  
**222 Slawson Drive**  
**Camillus, NY 13031**

**Special Use Permit: Home Occupation**

Mr. Belle moved to declare this an unlisted action under SEQR, refer the matter to the Camillus Planning Board for recommendation, and to set a public hearing for July 6, 2006. Mr. Burke seconded the motion and it was unanimously approved.

4. **Kather, Sandra** **TM#: 040.-02-10.1**  
**107 Sanderson Drive**  
**Camillus, NY 13031**

**Area Variance: Home addition**

Mr. Burke moved to declare this a SEQR Type II action and to set a public hearing for July 6, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

5. **Swanson, Charles & Joan** **TM#: 032.-03-21.0**  
**135 Northwood Way**  
**Camillus, NY 13031**

**Area Variance: Enclosed Porch**

Mr. Burke moved to declare this a SEQR Type II action and to set a public hearing for July 6, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

6. **Waldby, Donald** **TM#: 042.-06-08.1**  
**113 Melrose Avenue**  
**Syracuse, NY 13219**

**Area Variance: Enclosed Porch**

Ms. Flood moved to declare this a SEQR Type II action and to set a public hearing for July 6, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

7. **Albiker, Fritz** **TM#: 007.-03-05.2**  
**6429 Van Buren Road**  
**Syracuse, NY 13209**

**Special Use Permit: Construct Building**

Chairman Feyl moved to refer the matter to the Camillus Planning Board for recommendation, and to set a public hearing for July 6, 2006. Ms. Flood seconded the

motion and it was unanimously approved. Mr. Price will notify the applicant of the need for a coordinated review between the Boards.

**Minutes of the Previous Meeting:**

Ms. Flood moved to approve the minutes of the May 2, 2006 meeting. Mr. de la Rosa seconded the motion and it was unanimously approved.

**Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$1775.00.

A voucher was received from Eagle Newspapers for advertising fees totaling \$54.29.

A voucher was received from Hummel's Office Plus for office supplies totaling \$26.32.

Mr. Kilburg made a motion to approve payment of the submitted vouchers. Mr. Borsky seconded the motion and it was unanimously approved.

**DECISIONS**

1. **Chatfield, Olena** **TM#: 059.-03-17.0**  
**207 Stonehedge Road**  
**Camillus, NY 13031**

**Special Use Permit: Home Based Business**

Mr. Belle moved to grant a Special Use Permit for the purpose of operating a home based business. Mr. Kilburg seconded the motion and it was unanimously approved.

2. **Schibeci, Jeanne** **TM#: 056.-01-03**  
**303 Chapel Drive**  
**Syracuse, NY 13219**

**Special Use Permit: Home Based Business**

Mr. Borsky moved to grant a special use permit for the purpose of operating a home based business. Mr. Kilburg seconded the motion and it was unanimously approved.

3. **Schanzle, George & Pat** **TM#: 033.-11-24.0**  
**137 North Way**  
**Camillus, NY 13031**

**Area Variance: Shed**

Mr. Burke moved to grant an area variance to allow placement of an accessory structure forward of the rear building line on the east side of the property, but no closer to the front property line than the existing air conditioning compressor. Mr. Kilburg seconded the motion and it was unanimously approved.

4. **Griffo, Alan**  
103 Wynnfield Drive  
Syracuse, NY 13219

**TM#: 050.-06-03.0**

**Area Variance: Shed**

Mr. Borsky moved to grant an area variance of 4' on the south side property line for the placement of a shed. Mr. Kilburg seconded the motion and it was unanimously approved.

5. **Bianchi, Anthony**  
Warners Road

**TM#: 018.-01-14.0**

**Area Variance: One Family Home & Garage**

Mr. de la Rosa moved to grant an area variance of 35' from the required 70' setback to allow construction of a one family home & garage. Mr. Burke seconded the motion and it was unanimously approved.

6. **Smith, Robert**  
6619 Van Buren Road  
Warners, NY 13164

**TM#: 007.-02-11.9**

**Area Variance: New House**

Mr. de la Rosa moved to grant an area variance of 35' from the required 70' setback, but no closer than the home on the adjacent property to the south, to allow construction of a new home. Ms. Flood seconded the motion and it was unanimously approved.

**COMMENTS OF THE BOARD:**

Mr. Kilburg recognized June 6, 2006 as the 53<sup>rd</sup> wedding anniversary of Board member George Burke. Best wishes and congratulations were offered by all.

Chairman Feyl noted that was the only representative from the Town of Camillus to attend the dedication service at Christ Community Church, to which all officials were invited, and reported it was a very good event.

**ADJOURNMENT:**

Mr. de la Rosa made a motion to adjourn the meeting at 9:53 p.m. Chairman Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
July 6, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa  
Joseph Kilburg

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Don Fittipaldi, Planning Board Member  
Roger Pisarek, 1<sup>st</sup> Ward Councilor  
Tom Price, Code Enforcement Officer  
Approximately 35 others

The meeting was called to order at 7:04 p.m. by Chairman Feyl, followed by the Pledge of Allegiance. Mr. Burke made a motion to waive the reading of the public hearing notices. Ms. Flood seconded the motion and it was unanimously approved.

**PUBLIC HEARINGS:**

1. **Cam's Pizzeria  
112 Kasson Road  
Camillus, NY 13031**

**TM#: 065.-04-13.001**

**Area Variance: Signage**

***(continued from 6/6/06 meeting)***

Mr. Bob Picciott and Mr. Mike Villa appeared before the Board to request an area variance to allow additional signage on the building. They presented a rendering of the building as approved by the Planning Board, which illustrated the intended signage on the north, south, and east elevations of the building. They explained that, due to the unique nature of the building, they are requesting that all three of those sides be considered store frontage, which would then put their proposed signage well within the code requirements.

Mr. Belle requested photo renderings of the proposed signage and the applicant presented them for the Board's review. Mr. Belle asked for a description of the proposed signage placement and Mr. Picciott explained that they are proposing a sign over each brick face peaked entrance on the north and south sides of the building (two on the south and three on the north) and two on the east side/front of the building, which would be on either side of the existing Cam's Pizzeria sign and would advertise all businesses housed on that respective side of the building.

Mr. Belle explained that, in his many years of experience with retail businesses, he has come to believe that sufficient signage is critical to a business' success. It not only provides advertisement to passing traffic, but also gives the customer the ability to locate the business from the street, and access the entrance once on site. He

confirmed he has no problem with the requested signage due to the unusual three-sided nature of this building.

Chairman Feyl inquired why signage was required on the north and south sides of the building if all the businesses were to be advertised on the east side of the building and on the pylon sign as well. Mr. Picciott explained that they desire the signage on the east side of the building to provide the businesses exposure to traffic coming from the Camillus Commons site directly across Kasson Road. He noted that, although they do already have a pylon sign in that area, the necessity to divide the square footage of that sign between so many businesses renders the individual signs small and largely ineffective. The desired signs over each business' entryway on the north and south sides of the building will not only gain exposure to north and southbound traffic, but also assist visitors trying to locate the entrances while on the site.

Chairman Feyl noted that Cam's Pizzeria already has an entrance right below the sign on the east side of the building but, during a recent visit, he found the door locked which forced everyone to use the side entrance instead. He suggested that if they used the entrance below the existing sign, there might be no need for an additional sign on the south side of the building. Mr. Villa explained that the size of the restaurant necessitates the two entrances, both of which should be open; he was unsure why it was locked during Chairman Feyl's visit.

Chairman Feyl noted that the Chinese restaurant is represented on the pylon sign in addition to having a sign on the north side of the building and questioned the need to have another sign just a few feet away on the east side. Mr. Picciott stated that it is very valuable for the tenants to have signs both over their entrances and on the east side of the building to achieve maximum exposure. Chairman Feyl agreed that the three businesses in the rear of the building will require better exposure toward the front, but he believes that Cam's Pizzeria and the Chinese restaurant are sufficiently represented already and additional signage would be overkill.

Ms. Flood inquired whether the applicants were willing to give up the 36 sq. ft. pylon sign if it is so ineffective. Mr. Picciott stated that he would if that is what would be necessary. She asked if a sign for Empire Federal Credit Union was desired on the south side of the building; Mr. Villa stated it was not as the only entrance is on the north side. She confirmed that should the open space be rented, the desired signage for that tenant would be on the middle peaked roof on the north side of the building, on the combined sign on the east side of the building and also on the pylon sign.

Ms. Flood inquired whether there would be directional signage added to the parking lot as she feels the current traffic flow is confusing. Mr. Villa indicated that such signs are planned but have not yet been installed. She inquired whether the Chinese restaurant really needed additional signage on the east side of the building considering they already have lit window signage there; Mr. Picciott stated that the desired signage is very valuable exposure for the tenants and so they do feel it is necessary.

Mr. Burke noted that the existing interior window signage currently being used by some tenants is not included in the specifications provided by the applicant despite the fact that it must be included in the site totals. Mr. Villa explained that, if the building's north and south sides cannot be considered as store frontage, they would instruct the tenants

that the window signs are not allowed and that it would be the tenant's responsibility to appear before the Board to seek a variance of their own.

Mr. Burke did concede that the building is somewhat different in that it has parking on three sides and stated he does understand the importance of exposure to the traffic from Camillus Commons. He noted that he feels the 24 sq. ft signs proposed for the brick peaks on the north/south side of the building are larger than is needed just for on site store identification. Mr. Piccott explained that those signs are meant to provide long-range exposure to street traffic as well as on site identification.

Mr. de la Rosa remarked that, although the building is unique, turning it 90 degrees would make it traditional and only one side would be considered store frontage in that case, not three. He further stated that, while he understands the need for signage over the entrances, he doesn't believe the businesses need signage on the east side of the building in addition to the north/south signage and pylon sign.

Mr. Borsky concurred with the remarks previously made by the Board, adding that he feels the signage requested by the applicant is overkill.

Mr. Kilburg added further commentary with regard to the window signage, noting that Fast Trak Wireless also has several window signs that would need to come down. Mr. Villa noted that there are several buildings within the Town having similar window signage and he'd expect the same standard to be applied to them. Mr. Piccott reiterated the importance of having signage on the east side of the building, particularly for those businesses in the back of the building, given that the pylon sign is not completely effective. Mr. Kilburg expressed his disappointment that the applicant didn't use the same ingenuity that some other developers have in designing their street signage as he feels some additional creativity in design would have better maximized the allowable space for their tenants, and possibly prevented the need for so much additional signage.

Mr. Villa concluded by stating that he hoped for an affirmative vote on the variance as requested but, in lieu of that, he would request that the Board provide some recommendations for what might be acceptable if they do not see fit to approve the application as presented. Chairman Feyl asked the Board to provide some guidelines to the applicants based on consideration of the existing pylon sign, additional signage on the east/front of the building, and signage on the north/south sides of the building to a particular square footage per tenant.

Ms. Flood suggested 15 square feet per tenant for the north/south sign dimensions.

Mr. de la Rosa explained he would be satisfied with 3' x 5' uniform signs over the brick face peaked entryways on the north/south sides of the building and restricting the size of the combined signs on the east side of the building.

Mr. Borsky stated he is not in favor of any additional signage and is concerned that illuminated signs may negatively affect the residents of the apartments to the west.

Mr. Kilburg reiterated his opinion that a redesign of the pylon sign would alleviate some of the problem of identifying the businesses in the building.

Mr. Burke stated his belief that a variance should be granted to allow signage on the north/south sides of the building, but the proposed square footage needs to be reduced. He suggested viewing the signage in the adjacent plaza as he feels that is an example of good signage.

Ms. Flood agreed that there is confusion as to where the tenants are located once one pulls into the plaza so signage over the doorways and perhaps on the front may be appropriate, but she feels the proposed signs over the doorways should be reduced to 15 sq. ft. and the two signs on the east side of the building should be cut down to 2' x 12'. She suggested saving space by removing some of the brand names from the Fast Trak Wireless sign.

Mr. Belle disagreed with removing the brand names from the Fast Trak Wireless sign as he feels it is important for customers to know what brands Fast Trak Wireless services. He reiterated he has no problem with the signage as presented by the applicant.

Chairman Feyl summarized that the Board might be amenable to granting a variance to allow 2' x 12' signs on the east side of the building and 3' x 5' on the north/south sides of the building. He suggested to the applicants that the Board could vote tonight based on the application as presented, vote based on the recommendations of the Board, or continue the hearing until the next meeting to allow the applicants an opportunity to revise their proposal. Mr. Villa requested a continuance.

There was no public comment.

Chairman Feyl continued the public hearing until the August 1, 2006 meeting of the Zoning Board of Appeals.

**2. Albiker, Fritz  
6429 Van Buren Road  
Syracuse, NY 13209**

**TM#: 007.-03-05.2**

**Special Use Permit: Construct Building**

Mr. Albiker appeared before the Board to request a Special Use Permit allowing the construction of a cover-all building under which equipment would be housed.

Chairman Feyl stated that the application is to amend the previous Special Use Permit, issued to protect the adjacent Burns property, which Mr. Albiker has subsequently purchased. He noted that there are now hundreds of feet in all directions between Mr. Albiker's business and any other residential property.

Mr. de la Rosa complimented Mr. Albiker on the look of his business and believes allowing the applicant to house equipment under cover will only further enhance what is already a nice property.

Mr. Borsky asked the applicant to describe the proposed building. Mr. Albiker stated it would be green and tan vinyl, which would match the existing green and tan metal buildings. It will only be used for storage and so will have no signage, electrical, or plumbing. Mr. Borsky also commended Mr. Albiker on the condition of his property.

Mr. Burke clarified which properties in the area were owned by the applicant. He suggested incorporating all of the applicant's newly acquired properties in the amended Special Use Permit. The applicant stated he'd prefer that they weren't. Chairman Feyl inquired whether the applicant objected to inclusion of the former Burns property into the Special Use Permit; he stated he did not.

Ms. Flood inquired whether everything now stored outdoors without cover would be stored under the new building, including the pickup trucks seen on site. The applicant indicated that most of it would be but that some items will not fit and the pickup trucks will be parked outside.

Mr. Belle asked where the new structure is to be located and the applicant indicated it would be to the right of the existing building.

Mr. Burke questioned whether the applicant would be adding more paved area to expand the driving area up to the new building. The applicant stated that it is already paved.

Chairman Feyl noted that the Planning Board Engineer stated that there are absolutely no drainage issues on the site.

Mr. Carr advised that inclusion of the former Burns property in the amended Special Use Permit could be problematic given changes in the municipal code since the original Special Use Permit was granted. While the existing Special Use Permit may be amended to allow inclusion of the proposed building, expanding the geographical boundaries of the Special Use Permit through inclusion of the new property may conflict with the current code, which restricts such contractor's services to Belle Isle Road.

There was no public comment.

Chairman Feyl closed the public hearing.

3. **Kather, Sandra** **TM#: 040.-02-10.1**  
**107 Sanderson Drive** Error! Bookmark not defined.  
**Camillus, NY 13031**

***Area Variance: Home addition***

Ms. Kather appeared before the Board to request an area variance allowing a home addition. She provided a picture of the existing dwelling, and Chairman Feyl reviewed her proposal to construct a 16' addition to the west side of the house, leaving 18' to the property line on Henry Beach Drive, which the applicant noted is closed.

Mr. de la Rosa stated that, although it is a corner lot, he doesn't believe that Henry Beach Drive will ever be used as a thoroughfare and so he has no problem with the applicant's request.

Mr. Borsky asked what would become of the existing chimney, trees, & shrubs. The applicant stated that the chimney and trees would be removed as part of the

improvements. Mr. Borsky inquired what effect the project would have on the existing shed and whether the addition would match the existing house. The applicant stated it would have no effect on the shed and that the addition would match the existing house.

Mr. Kilburg questioned the construction that is taking place across the street and the applicant stated her mother is having a house constructed on that lot. Mr. Kilburg stated that, due to the lack of traffic on that portion of Henry Beach Drive, he sees no problem with the request.

Mr. Burke noted that he normally would be reluctant to favor such an application on a corner lot but, as the municipal code dictates that Henry Beach is a dead end, he sees no problem with the applicant's request.

Ms. Flood remarked that her only concern would have been the neighbor across the street but, given that it is the applicant's mother, she assumes there is no issue. The applicant confirmed that there wasn't.

There was no public comment.

Chairman Feyl closed the public hearing.

4. **Gambale, Ganine** **TM#: 028.-10-04.0**  
**148 Fireside Lane**  
**Camillus, NY 13031**

***Area Variance: Shed***

Ms. Gambale appeared before the Board to request an area variance to bring an existing shed into compliance. Chairman Feyl added that the shed is approximately 12" over the front yard setback.

Mr. de la Rosa noted that the fence around the property obstructs the view of the shed so he has no problem with it.

There was no public comment.

Chairman Feyl closed the public hearing.

5. **Gambale, Ganine** **TM#: 028.-10-04.0**  
**148 Fireside Lane**  
**Camillus, NY 13031**

***Area Variance: Pool***

Ms. Gambale appeared before the Board to request an area variance to allow a pool 12' into the front yard setback.

Mr. de la Rosa questioned why the proposed pool couldn't be moved further into the property. Ms. Gambale stated that they are trying to avoid having to remove the

existing trees further in on the property and prefer this location because it is the flattest and sunniest portion of the property, making it ideal for a pool.

Mr. Kilburg visited the applicant's property and confirmed the difficulty in placing the pool further in on the property rather than the proposed location. He stated he has no problem with the applicant's proposal.

Mr. Burke stated his hesitance to allow variances on corner properties but, since there is already a six foot fence surrounding the property, he doesn't see a problem with placing the pool as suggested.

There was no public comment.

Chairman Feyl closed the public hearing.

6. **Timofy, Margaret**  
**222 Slawson Drive**  
**Camillus, NY 13031**

**TM#: 057.-02-12.0**

***Special Use Permit: Home Occupation***

Chairman Feyl noted that, as this application is still pending the requested recommendation of the Town of Camillus Planning Board, no decision would be made during this meeting.

Ms. Timofy and her counsel, Arnis Sprancmanis, appeared before the Board to request a Special Use Permit to allow a home occupation. Mr. Sprancmanis stated that the applicant has been engaged in this particular type of business for some time and is very familiar with typical traffic patterns and the number of clientele served. She anticipates working 20-30 hours a week as a part-time occupation, seeing roughly one client per hour. The clients arrive one at a time with each leaving before the next client arrives, amounting to 20-30 clients per week or an average of 3-5 clients per day. This does not generate a lot of traffic coming to and leaving from the home, making it equal or less than that of a family with an active social life.

Mr. Sprancmanis explained that the occupation involved administering holistic health treatments, to be done solely by the applicant, who does not intend to have any employees. The treatments offered include colonic irrigation, reflexology, rain drop technique, and ear candling, all of which would be administered completely within the home, taking place in the privacy of a room on the lower level, with no visibility to anyone outside the home.

Mr. Sprancmanis described the colon irrigation treatment as the introduction of filtered water to the colon for the purpose of cleansing and flushing excess materials, which would then be disposed of using standard waste plumbing already existing in the home. He described the ear candling technique as the use of special hollow candles in the ear, which, through warmth and a natural vacuum created by the candle, draws out excess ear wax and other materials from the ear. He described the reflexology treatment as the application of pressure on the feet and hands and the raindrop technique as the application of essential oils to the feet and the spine.

Mr. Sprancmanis stated that the amount of space within the home to be used for this occupation is slightly less than 10% of the total square footage of the home. He stated his belief that the application and proposal meets the requirements of section 403 of the municipal code as it does not violate or have any significant adverse impact in all the areas set forth by that section of the code. Based on that he believes the request is permissible and encouraged the Board to approve the Special Use Permit.

Mr. Borsky asked whether the applicant's profession was of a medical nature. The applicant explained that it is required that she has certification from accredited educational institution, but does not require a New York State license.

He also inquired about fire safety precautions given that the occupation involves the use of lit candles. The applicant explained that the candles are placed through a small hole in a special shield that stands out around the candle when in use and she has water at the ready to extinguish the candles. She equated the situation to that of burning a dinner candle but noted that the candles she uses are hollow, consisting of a piece of muslin dipped in wax, so there is less material burning. She is present during the entire treatment and confirmed for Mr. Borsky that in her current location, she has never had a problem with fire or even the smoke detectors being set off.

Mr. Burke asked whether the Health Department allows this business to be conducted without inspections. The applicant explained that the Health Department does have the right to conduct an inspection at any time, but she has never had a problem with that; the spotless condition of her location being a major contributing factor in the quality of her existing clientele.

Mr. Burke questioned where the applicant obtains her clients and she stated that some are referred by Chiropractors and others find her via her website. Mr. Burke inquired whether the services she offers are medical procedures and the applicant stated that although the colonic procedure is considered a therapy rather than a medical treatment, some insurance carriers do have a procedure code for it and reimburse for it, noting that colonics used to be conducted by hospitals in the 1940's.

Ms. Flood questioned whether acupuncture services are provided and inquired about the quantity of the applicant's current weekly clientele and the reason for leaving the business' current location. The applicant stated she is not trained to administer acupuncture and so does not offer the service. She explained that she sees approximately 20-30 clients per week that her desire to move into the home is due to monetary and convenience concerns. She elaborated that, as of September 2005, she no longer has an associate to share the business expenses at her current location and that properly maintaining her equipment requires her to spend a great deal of time traveling back and forth between her home and that location.

Ms. Flood asked about the distance from the back of the house to the nearby ball field, which the applicant guessed as being equivalent to several football fields in length away. Ms. Flood inquired about the noise levels from Shove Park and the applicant stated that, while she hears some of the park noise, it is not bothersome to her.

Mr. Belle confirmed that the applicant will be closing her Solvay, NY location and does not intend to operate her business from multiple locations. He questioned whether all

areas in which the applicant provides services required certification and the applicant stated that ear candling does not require certification but she does have certification in raindrop technique, reflexology, and colonics.

Mr. Belle questioned why, if the procedures are not medical in nature, there would be insurance codes for them. The applicant explained that, in the past, colonics were administered by hospitals but as a cost effectiveness measure, were phased out and replaced with pharmaceutical methods for accomplishing the cleaning. Mr. Belle compared it to an enema and the applicant explained that an enema only cleans to the sigmoid where as a colonic cleans all five and a half feet of the colon. Mr. Belle inquired how long the procedure takes and the applicant stated it takes 30–40 minutes and the hour long appointment allows additional time for the clients to fill out paperwork, ask questions, familiarize themselves with the equipment, and use the rest room without running into another client.

Mr. Belle asked if the Food and Drug Administration is evaluating this procedure. The applicant stated that they were not to her knowledge. She remarked that she was aware of an issue with the pressurized colonic units and was unsure whether it was the FDA looking into that, but noted that she uses the safer and gentler gravity flow process anyway. She added that she does have liability insurance that only runs \$100 per year, which she believes is evidence of the safety of her process.

Chairman Feyl stated for the record that a letter was received from Mr. & Mrs. E.T. Elliott of 227 Slawson Drive, expressing their concerns about the possible issuance of the Special Use Permit requested by the applicant. He noted that one of their primary concerns was expansion of the business.

Chairman Feyl reviewed the requirements of Section 403 (A5) of the municipal code, Definitions of Residential Accessory Uses-Home Occupation, with the applicant. He confirmed that the business is to be limited to just the residents of the home and the applicant confirmed she had no intention of anyone other than herself being involved in the business. He further confirmed that the applicant has addressed the fact that her business will not create objectionable noise, obnoxious odors, vibrations, glare, smoke, fumes, dust, or other particulate matter, etc., that there will be no toxic, explosive, flammable, combustible, corrosive, or radioactive materials being used, that the process that is used is not hazardous to the public health, safety, or welfare, and that less than 25% of the livable floor space of the dwelling will be devoted to the business.

#### Public Comment

Bruna Oman of 105 Sidney Street stated she has lived in her neighborhood for 30 years and has known the applicant for 16 years. She described the Timofys as being quiet & neat and she believes that the applicant will live up to any commitments with regard to the home occupation. She expressed regret that the applicant has moved as she feels the applicant is a very nice neighbor.

Ann Schattner of 103 Slawson Drive welcomed the applicant to the neighborhood. She stated she feels that the street is residential and so she does not care to have a business there. She wished the applicant good luck.

Rocco Pirro of 220 Slawson Drive presented a petition of opposition to this Special Use Permit application with 110 signatures of residents on Slawson Drive and other streets within the Fifth Ward of Camillus. He expressed his thanks that the hearing will be continued until the August meeting, which will allow him to acquire more signatures and information.

Despite the Chairman's previous request that speakers limit their remarks to three minutes in length, Mr. Pirro asked the Board's indulgence, as he required more time to make his remarks.

Mr. Pirro stated that he lives next door to the applicant's home, that the applicant closed on their property on May 15 and their application for this Special Use Permit was filed on June 2. He expressed his belief that from that date until the applicant's appearance at the Planning Board meeting of June 26, nobody on his street was advised that this application was coming before the Town. He stated that members of the Camillus Planning Board informed him it was indicated that the people on Slawson Drive were fully aware of the application and were supportive of it (although he did not identify the Planning Board members making these statements nor the source from whom the indication of full neighborhood support had come).

Speaking on behalf of the people on Slawson Drive and the surrounding area, Mr. Pirro stated that they are vehemently opposed to the making of a commercial establishment at the location. He further stated his belief that the proposed holistic health treatment facility, with the extraction of body fluids & waste, would be engaged in medical type procedures and has no business in a residential area where there are playgrounds and a park.

Mr. Pirro explained that Slawson Drive is the main artery to Shove Park and it currently has hundreds of cars traveling it, along with many children who walk to and from the park. He further noted that, when the high school is open many children in the area east of Whedon Road walk to school rather than being bussed. He stated that since reconstruction of Camillus Plaza has taken place, many of the people in the Sherwood Knolls & Stanley Manor area cannot turn onto West Genesee Street from Stonehedge Rd., Clark Ln., or Bramley Dr. because of the high volumes of traffic, particularly if they want to turn left. He noted that these drivers are instead taking Slawson Drive to the traffic signal on Whedon Road, which has added an additional burden to the street traffic.

Mr. Pirro indicated his belief that, for any business to be successful, it has to expand. He stated his feeling that the applicant's estimate of 20-30 units per week is a "low-ball" figure and twice that many should be expected down the road.

He concluded by remarking that he feels the applicant's proposal has been misrepresented from the beginning. He stated his belief that the property was purchased for the sole purpose of moving a commercial entity into the house and that the applicant should have included a contingency on the purchase offer for the property noting that they would only purchase the house if they were granted the Special Use Permit for this home occupation.

He further remarked that he and others are original owners on the street and they enjoy the residential concept. He reminded the Board that previous applications for the

purposes of operating a Bed & Breakfast, a basement beauty parlor, and several other things he was unable to remember exactly were previously denied. He feels that the applicant's business will add more cars coming into the neighborhood. He noted that the property is a residential property, it is a beautiful property and, because his property is nice too, he feels he should not have to live next door to a commercial venture.

Chairman Feyl noted that just 35 of the signatures on the petition Mr. Pirro submitted are from Slawson Drive and that 5<sup>th</sup> Ward Councilor Diane Dwire did distribute a letter to the neighbors that alerted them to tonight's public hearing, explained the proposed business, and invited the residents to participate.

Natalie Spreter of 120 Robinhood Lane stated that it is obvious to her that the applicant's home was purchased with the sole purpose of moving their business to Slawson Drive, noting that she is not in favor of commercial businesses in a residential area and her belief that allowing one will lead to more.

Sean Lynch of 112 Robinhood Lane stated he is against any business moving into their neighborhood and expressed concerns about environmental issues that may be related to this business.

Edward Timofy of 222 Slawson Drive, spouse of the applicant, stated that there seemed to be many misconceptions about what they intend to do. He remarked that they do not want to make the house commercial, that they won't be hanging up signs and they are not going to harm anybody. He explained that the treatments offered are ancient techniques that are healthy and can be very helpful to those whose bodies are failing to perform these natural functions on their own.

He explained that their reason for purchasing the house was to get out of their previous neighborhood. Although they had good relationships with the neighbors, many of them are elderly and have been moving on from the neighborhood. Individuals who have subsequently moved in have engaged in threats and criminal activity, some of which was directed at the applicant, incidents which are on record with the Camillus Code Enforcement office and Police Department. He expressed their fear that, with continued turnover in home ownership in the neighborhood, there might be further problems.

Ed Roach of 108 Rowena Drive stated that they are in a residential neighborhood and they do not want this commercial business in it.

Chairman Feyl continued the public hearing until the August 1, 2006 meeting of the Zoning Board of Appeals.

**7. Swanson, Charles & Joan  
135 Northwood Way  
Camillus, NY 13031**

**TM#: 032.-03-21.0**

***Area Variance: Enclosed Porch***

Mr. & Mrs. Swanson appeared before the Board to request an area variance to allow a 12' x 12' three-season addition to the front of their house. Chairman Feyl noted that the proposed addition would extend approximately 2.5" in to the front yard setback,

involving extending the roof out, putting three windows on the front, and some on the side. Mrs. Swanson explained their desire to make the addition look like it was part of the original build, blending with the look of the neighborhood

Mr. de la Rosa asked whether the new addition would stick out any further than the neighbors' structures and Mr. Swanson explained it would not because the street is curved, which would put the new addition in line with the easterly neighbor's garage.

Mr. Borsky questioned the depth of the current overhang on the front of the house and Mrs. Swanson explained it is approximately 6', with the proposed addition extending approximately 3' beyond that, and that two of the existing trees will be removed but the other trees will remain as a barrier to the neighbor's property. Mr. Borsky confirmed that the addition would match the existing home in materials and color.

Mr. Kilburg inquired why they are proposing to build the porch on the front rather than the rear of the home. The applicants explained that the rear of the property is heavily treed and the front of the home gets the most sun, which would allow them to use the room more and minimize heating costs. Mr. Kilburg stated that he is unaware of any houses with additions into the front yard setback in that area and feels that such an addition would be inappropriate. Mr. Kilburg questioned whether the applicants had sought the opinions of any neighbors and they stated they had not.

Mr. Burke stated that although he typically is opposed to build out on the front of a home, he does feel there is a difference on this property because the street is an arc and the few extra feet requested by the applicant would not be visible from the other end of the street.

Chairman Feyl agreed noting that, because of the curve, the side of the house the applicant wants to build the addition on is actually one-foot further back than the other end of the house.

Ms. Flood commented that the tree line to the southwest of the house would sufficiently camouflage the addition.

Mr. Belle remarked that he has no problem with the proposal but that it would have been nice to know what the neighbors' stance on the proposal was.

There was no public comment.

Chairman Feyl closed the public hearing.

**8. Waldby, Donald  
113 Melrose Avenue  
Syracuse, NY 13219**

**TM#: 042.-06-08.1**

***Area Variance: Enclosed Porch***

Chairman Feyl continued the public hearing until the August 1, 2006 meeting of the Zoning Board of Appeals at the request of the applicant, who was unable to appear.

9. Powers, John  
Forward Road Tract  
Camillus, NY 13031

TM#: 024.-02-11.1

**Special Use Permit: Ropes course**

Chairman Feyl reminded the Board that, at the June 6, 2006 ZBA meeting, this matter was continued until the August 1, 2006 meeting.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Applications:**

1. Quality Quick Signs/Ryan Homes  
151 Shire Way  
Camillus, NY 13031

TM#: N/A

**Area Variance: Signage**

Chairman Feyl moved to declare this a SEQR Type II action and to set a public hearing for August 1, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

2. Vasilev, Alexandar  
153 Bennett Road  
Camillus, NY 13031

TM#: 017.-2-10.0

**Special Use Permit: Home Occupation**

Mr. de la Rosa moved to declare this an unlisted action under SEQR, refer the matter to the Camillus Planning Board for recommendation, and to set a public hearing for August 1, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

3. M.V. Weiss & Assoc./Mersfelder  
1003 Oreste Street  
Camillus, NY 13031

TM#: 025.-06-05.0

**Area Variance: Front Stoop**

Chairman Feyl moved to declare this a SEQR Type II action and to set a public hearing for August 1, 2006. Ms. Flood seconded the motion and it was unanimously approved.

4. **Warners Fire Department**  
**6444 Newport Road**  
**Warners, NY 13164**

**TM#: 006.-02-25.0**

**Special Use Permit: 2<sup>nd</sup> Story Addition**

Mr. de la Rosa moved to declare this an unlisted action under SEQR, refer the matter to the Camillus Planning Board for recommendation, and to set a public hearing for August 1, 2006. Mrs. Burke seconded the motion and it was unanimously approved.

**Minutes of the Previous Meeting:**

Chairman Feyl moved to approve the minutes of the June 6, 2006 meeting. Mr. de la Rosa seconded the motion and it was unanimously approved.

**Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$1725.00.

A voucher was received from Eagle Newspapers for advertising fees totaling \$60.83.

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

**DECISIONS**

1. **Albiker, Fritz**  
**6429 Van Buren Road**  
**Syracuse, NY 13209**

**TM#: 007.-03-05.2**

**Special Use Permit: Construct Building**

Mr. de la Rosa moved to amend the existing Special Use Permit to allow the proposed 40' x 80' cover-all building proposed by the applicant. Mr. Burke seconded the motion and it was unanimously approved.

2. **Kather, Sandra**  
**107 Sanderson Drive**  
**Camillus, NY 13031**

**TM#: 040.-02-10.1**

***Area Variance: Home addition***

Mr. Burke moved to grant a 15' area variance to the setback on the westerly side of the property. Chairman Feyl seconded the motion and it was unanimously approved.

3. **Gambale, Ganine** **TM#: 028.-10-04.0**  
**148 Fireside Lane**  
**Camillus, NY 13031**

***Area Variance: Shed***

Mr. Belle moved to grant a 3' area variance to bring the pre-existing shed on the property into compliance. Mr. de la Rosa seconded the motion and it was unanimously approved.

4. **Gambale, Ganine** **TM#: 028.-10-04.0**  
**148 Fireside Lane**  
**Camillus, NY 13031**

***Area Variance: Pool***

Chairman Feyl moved to grant a 15' area variance to allow an in ground pool to be installed as proposed by the applicant. Ms. Flood seconded the motion and it was unanimously approved.

5. **Swanson, Charles & Joan** **TM#: 032.-03-21.0**  
**135 Northwood Way**  
**Camillus, NY 13031**

***Area Variance: Enclosed Porch***

Mr. Burke moved to grant a 3' area variance to the front yard setback to allow a sunroom on the southwest corner of the home as proposed by the applicant on the basis that it is minimal and on a curving property. Chairman Feyl seconded the motion and, as it was not unanimously approved, the Board was polled:

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

**ADJOURNMENT:**

Mr. de la Rosa made a motion to adjourn the meeting at 9:53 p.m. Mr. Kilburg seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
August 1, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa  
Joseph Kilburg

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Tom Price, Code Enforcement Officer  
Approximately 35 others

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

**PUBLIC HEARINGS:**

1. **Waldby, Donald  
113 Melrose Avenue  
Syracuse, NY 13219**

**TM#:042.-06-08.1**

***Area Variance – Replace Porch***

Donald Waldby appeared before the Board to request an area variance to allow him to rebuild his former screen porch into an enclosed porch with glass windows to increase it's usefulness for both leisure and storage purposes. The finished porch will be similar in appearance to the houses next door and will be finished off with natural cedar siding such as is original to the house.

Chairman Feyl confirmed with the applicant that the footprint would remain the same as the existing porch, extending 7' out from the home.

Mr. de la Rosa commented that the proposed porch is consistent with the rest of the neighborhood. Chairman Feyl, Mr. Kilburg, and Mr. Burke concurred.

Mr. Borsky inquired whether the new porch would have a metal roof such as currently exists on the home, and whether the colors and materials of the new porch would match the home. Mr. Waldby stated there would be a metal roof and the materials would match.

There was no public comment.

Chairman Feyl closed the public hearing.

2. Timofy, Margaret  
222 Slawson Drive  
Camillus, NY 13031

TM#: 057.-02-12.0

***Special Use Permit: Home Occupation***

***(continued from 7/6/06)***

Chairman Feyl read into the record two pieces of correspondence, dated July 7, 2006 and July 27, 2006 respectively, from Planning Board Attorney Paul Curtin (attached). The first letter stated the Planning Board's positive recommendation on the application subject to review of lighting and sidewalk detail, and the second confirmed that such a review had been conducted by the Town Engineer, who found that the sidewalk and steps meet town requirements and that the proposed site lighting would not impact the applicant's neighbors.

Ms. Timofy and her counsel, Arnis Sprancmanis, appeared before the Board. Mr. Sprancmanis addressed the Board noting that the facts of the application are what are before the Board for consideration, not the exaggerated hyperbole presented by members of the public during last month's meeting. He stated that his client is not attempting to establish a medical facility, nor will she be conducting medical procedures as was suggested. While the home occupation she wishes to engage in is a commercial activity, it is not the growth oriented commercial enterprise that it was characterized as by some members of the public.

He remarked that it was maddening to hear Ms. Timofy's integrity and good faith attacked when the fact that she is putting forth this application is a demonstration of such, while others in the town are conducting home occupations without going through the appropriate steps to obtain approval. He encouraged the Board to consider the facts of the application before them and the information contained within regarding this home occupation, as it confirms that Ms. Timofy does meet the criteria set forth in the municipal code; that the occupation will be in her home, she will conduct it by herself with no employees, that there are objectionable noises, odors, vibrations, glare, smoke, fumes, etc.

Ms. Timofy presented for the Board's examination the candle and shield used in administering the ear candling treatment, explaining that the setup is safer than that of a typical household candle and that she monitors the candle at all times. She reiterated that this is a natural process and has been conducted for hundreds of years.

She also further described colonics in an effort to alleviate the concerns over what it is and how it is performed, which seem to be a result of the public's unfamiliarity with this process. She reiterated that colonics are not considered medical and are associated with the natural health fields. She stated she had a discussion with the President of the International Association of Colon Therapists, an organization with members across the U.S. and internationally, and inquired about licensing standards. He indicated to her that Florida is the only U.S. State requiring licensing to administer colonics, with all other States requiring certification by an accredited school, such as she has. She submitted for the Board's review all her certification documents relative to the treatments she offers.

With regard to the question of environmental impact that was posed at the last meeting, Ms. Timofy explained that the impact is no different from that of a person using a toilet and flushing, since the equipment she uses ensures waste travels directly from the client's body into the sewer via customized plumbing installed by a plumbing professional. No materials are exposed to the air, to her, or to anyone else. She submitted a photograph of the equipment setup to illustrate these facts.

Addressing the question posed by the Board at the last meeting about F.D.A. regulations related to this process, Ms. Timofy explained that the F.D.A. only regulates equipment and sterilization procedures. She stated that all of her equipment is F.D.A. approved and the heat sterilization methods she uses fall within F.D.A. guidelines.

In response to the suggestion at the last meeting that she intends to grow her business and the numbers she provided were skewed, Ms. Timofy reiterated that she does not intend to increase her client load. She can only see one person at a time due to the time needed for the process and allowing ample time for the client to depart without seeing other clients. In addition, she noted has many other responsibilities and obligations aside from the business that are very important to her and which she will never abandon, which do not provide her with the ability to work more than part-time.

Ms. Timofy stated that she was personally hurt by the comments of some members of the public at the last meeting, which suggested that her business would negatively affect the neighborhood and its children, particularly after she had stated that there would be no changes to the outside of her home. Because of these remarks, she has decided that she won't even put the business name on her mailbox, ensuring there will be no evidence of the business to anyone outside her home, adults and children alike.

As a point of reference, Ms. Timofy clarified that as a homeowner she would be entitled to install a walkway as a matter of landscaping, even without the business in the home. The sidewalk on the property was reviewed and approved by the Town Engineer.

Responding to the concerns expressed at the last meeting that approval of her application would set a precedent, Ms. Timofy stated that the resident of 204 Slawson Drive is currently conducting business from a home office and that activity has not caused any problems for the neighborhood. In addition, Ms. Timofy stated that she has come into the knowledge that there are several others on that street secretly doing business in their homes. She noted that none of the other residents seem to be aware of any of this, nor do they seem to care. Ms. Timofy added she has spoken with four other individuals around the New York State area who provide colonic services out of their home, so this is not unheard of as a home occupation.

Ms. Timofy requested that the Board please see her application in a favorable light and grant her a Special Use Permit to conduct a home occupation based on the details of the application and the fact that she meets all the criteria set forth in the municipal code. With regard to some of the negative reactions to her application, she acknowledged that if she were unfamiliar with colonics and someone approached her incorrectly stating that someone planning to put up a medical facility and destroy the neighborhood, she would probably sign the petition too, but that is not a correct characterization of her application.

Mr. Sprancmanis submitted for the Board's review excerpts from the websites of the New York State Office of the Professions and the New York State Department of State, both of which list occupations that require state licensing. He noted that neither colonics nor colon therapists are on those lists. He also submitted for the Board's review a petition signed by 11 of Ms. Timofy's neighbors, from nine different residences on Slawson Drive, expressing their support of her application. Ms. Timofy noted that the petition is the result of only two hours of time spent on a single afternoon attempting to contact her neighbors, many of whom were not home.

Mr. Borsky asked how people would find Ms. Timofy and her business without signage. Ms. Timofy stated that she gets the word out about her services via a website, yellow page ad, and personal appearances at health fairs. She also receives referrals from practitioners in natural health fields, chiropractors, and word of mouth.

Mr. Burke noted that Ms. Timofy stated she has spoken to several practitioners in other locations. He asked her to identify them and the governing body that gave them sanction for it. Ms. Timofy attempted to give the locations of the persons she spoke with but Mr. Burke requested documentation. Ms. Timofy reiterated that she spoke to the individuals by phone so she did not have documentation, but she noted that each individual indicated they had sought & received the appropriate approval of the local governing boards to allow them to conduct the occupation within their homes. Mr. Burke remarked that he would take that information as commentary only as no documentation to back it up was provided.

Ms. Flood inquired how many cars were in the family, whether there are any prescription drugs used in the treatments, and whether the applicant has any repeat customers. Ms. Timofy stated they have two cars, she does not use prescription drugs in any of her treatments, and that she does have repeat clientele. Ms. Flood elaborated that she was trying to establish the quantity of clientele and what the balance might be between single visit clients, new clients coming in, repeat clients revisiting, etc. Ms. Timofy indicated she has clients that fit all those categories; some only require a single visit, some require regular treatments, and others may only visit occasionally.

Ms. Flood confirmed with Ms. Timofy that she would only have an average of 3-5 clients per day. Ms. Timofy stated that those figures are an accurate average, as some days she may see more and some days she may have less or none. Ms. Flood asked whether any evening hours are offered. Ms. Timofy stated that she does see people after business hours, but they generally do not depart any later than 7:00 or 8:00 p.m.

Mr. Belle asked the applicant to refresh his memory whether there is a procedure code attached to this treatment. Ms. Timofy stated there is one for people who wish to submit to their insurance.

He asked Mr. Sprancmanis to confirm that he stated the applicant's business was a commercial enterprise. Mr. Sprancmanis clarified that what he stated was in fact that it had been portrayed as such by a member of the public at last month's meeting. He noted that it involves an occupation and there is an exchange of money for service so it is a commercial activity, but he believes the term "commercial enterprise" was a term used to exaggerate what the occupation really is.

Mr. Belle inquired where the picture of the colonic equipment was taken and Ms. Timofy stated it was taken at her current office. Mr. Belle confirmed with the applicant that she is not currently set up for the business in her home. He noted that the certification documents submitted indicate the school is in Florida and asked the applicant where in the state it was located. Ms. Timofy stated Kissimmee, FL. Mr. Belle questioned whether the applicant is required to obtain recertification periodically. Ms. Timofy explained that, although recertification is not required, she does voluntarily engage in furthering her education through taking classes and working with other therapists in an ongoing effort to improve her method.

#### Public Comment

Ed Roach of 108 Rowena Dr. inquired whether a D.B.A. was required to open a business such as the applicant is proposing; the applicant confirmed she has a D.B.A.

Karen Connelly of 103 Robinhood Lane stated her belief that a commercial establishment should not be allowed in a residential neighborhood and should be located in a commercial district. Chairman Feyl explained for Ms. Connelly's benefit the difference between a commercial entity and a home occupation. She maintained that allowing one business in the neighborhood will lead to more and will change the character of the neighborhood.

Ed Elliott of 227 Slawson Drive stated that he has lived in his home for 45 years and he has concluded he shouldn't be at the meeting because there are seven people on the Board who will be making the decision on this application.

Belle Elliott of 227 Slawson Drive inquired whether any Special Use Permit granted would be attached to the home or the applicant. Chairman Feyl clarified that the permit would be for the individual, not the property, and that any future owners would need to seek their own Special Use Permit for any home occupation they wished to engage in.

Vince Lawrence of 204 Robinhood Lane stated his belief that Ms. Timofy's business is not ordinary because she has a website, and that her business is intended for growth. He also relayed anecdotes from his service on the Town of Camillus Planning Board many years ago and requested that others in the audience not look at him while he was speaking. He concluded by asking the Board to think about the safety of the neighborhood.

John Jakubowski of 214 Slawson Drive inquired whether anyone on Slawson Drive could have a home occupation. Chairman Feyl indicated that all citizens of the Town of Camillus have the right to apply for and/or receive a Special Use Permit for a home occupation.

Vern Stephens of 104 Gulino Avenue stated that the Town has spent a lot of money on a master plan designed to protect commercial, residential, and professional zoning and to control growth. He requested the Board deny the application based on his belief that such businesses have a tendency to grow. He noted there is already traffic on Slawson Drive due to the park and this business would add more, and that there is ample space available within the Town of Camillus for any type of business

Rocco Pirro of 220 Slawson Drive submitted another copy of the petition he submitted at the last meeting, with additional signatures included. He remarked that he has

reviewed the law regarding home occupations and noted there is nothing stated in the law about how the home occupation would be policed. He asked who would regulate the number of customers and vehicles.

Because Ms. Timofy stated to the Town of Camillus Planning Board that her daily appointments might take place at any hour between 1:00 p.m. and 7:00 p.m., it is Mr. Pirro's belief that all those hours should be considered business hours whether there is a client scheduled or not, which would equate to a 30-hour workweek. He believes that, based on the Town of Camillus employee manual, which considers 20 hours a week to be part-time, Ms. Timofy's business should be considered a full time operation.

Mr. Pirro noted that he had looked at the Planning Board's review of the application and that his understanding is that Ms. Timofy estimated that her business would add 20-30 vehicles per week to the street traffic. Despite the applicant's statements that there is no intent for business growth, Mr. Pirro believes there will be and provided his own estimated figure that traffic will increase by 30-40 vehicles per week. Based on his assumption of business growth, he estimates there could be 60-80 vehicles on the street per week if each vehicle's arrival and departure were considered separately.

He stated that no residents receive any benefit from a home occupation. He admitted he does not know if the Assessor would double the homeowner's assessment or if the resident would pay double taxes. He remarked that he has never received a reduction in his taxes when there has been a commercial zone change or a home occupation permit or any other kind of professional permit granted.

Mr. Pirro reiterated his earlier remarks about policing the requirements of a Special Use Permit and that there is nothing in the municipal code requiring the applicant to submit monthly reports to the Zoning Board of Appeals. Chairman Feyl explained to Mr. Pirro that normal enforcement measures would prevail in this case, just as they would any other matter of possible code violation. He added that citizens are empowered to report any concerns to the Code Enforcement Office for investigation or follow up. Mr. Pirro stated that he believed by those remarks that the Chairman was trying to turn everyone present at the meeting into a patrol officer or a cop and is expecting the people directly across the street from the applicant's home to monitor the house with their binoculars and take pictures of license plates. Chairman Feyl attempted to explain to Mr. Pirro that he was not suggesting anything of the sort, but rather was explaining that we as citizens all regularly monitor our environments and report problems to the appropriate authority and that would also be the case with this issue.

Mr. Pirro stated his belief that because the municipal code does not protect the residents, the minute this application was approved there would probably be four other applications submitted from the same area. Chairman Feyl asked Mr. Pirro to elaborate on his theory and Mr. Pirro stated his belief that if one home occupation is approved, others cannot be denied. Chairman Feyl again explained to Mr. Pirro that anyone applying for a Special Use Permit for a home occupation would have to submit evidence to prove that they meet the criteria set forth in the municipal code before such an application would be approved, and provided Mr. Pirro with an example of another such application that was recently denied because the applicant could not meet that criteria.

Mr. Pirro stated he objects to the constant flow of strangers into the neighborhood and provided a new estimate of 80-100 cars a week related to this business, an increase

from the assumed estimates he provided earlier in his commentary. He went on to state that he will need to hire a security person to set up video cameras to keep track of everybody who comes and goes from that home, and make a determination.

Mr. Pirro concluded by stating that because of changes the Town Board or whomever else made to the zoning ordinance, all hell has broken loose and the ZBA is trying to turn the neighborhood into a police state.

Michelle Pirro of 214 Vanida Drive stated that while she understands that applicants seeking to have a home occupation must meet certain standards, she believes it is the obligation of the Board to consider the rights of the other residents and taxpayers of the town. She feels the residents have the right to expect that the general character of their neighborhood will remain the same as when they purchased their property and she asked that the Board consider the amount of opposition to this application.

Roger Kahn of 307 Crestwood Drive explained that since Camillus Commons has opened, he and other drivers from Stanley Manor, Sherwood Knolls, and Slawson Drive have a difficult time accessing West Genesee Street, so they use Slawson Drive as a thoroughfare to access Whedon Road and avoid other traffic. He stated that the traffic generated by Ms. Timofy's business could pose a serious issue to the children who ride their bikes on that street.

Elwin Moore of 100 Slawson Drive remarked that in his 50 years he has seen Slawson Drive go from a cul-de-sac to a busy street with a park. He noted that kids ride their skateboards down Slawson Drive and there have been safety related incidents with vehicles as a result. He is concerned that additional traffic will increase the safety issues that already exist.

Rocco Pirro again addressed the Board to state that Dennis Hayes of 218 Slawson Drive and Mrs. Green of 204 Slawson Drive (editor's note: Town records show her residence as 205 Slawson Drive) had asked him to relay that they wished to have their names removed from Ms. Timofy's petition. Ms. Flood asked why these individuals did not appear to speak for themselves. Mr. Pirro stated that Mr. Hayes is out of town and he did not know why Mrs. Green was not in attendance. Mr. Pirro submitted no written documentation to support these requests.

Jack Schmidt of 222 Camillus Drive stated his belief that this decision affects everyone in the Town of Camillus, not just the residents of Slawson Drive. He feels that the colonic cleansing procedure differs from that of other home occupations in that it has the potential to require professional emergency response. Chairman Feyl noted that, as part of the Planning Board review, Ms. Timofy's proposal was evaluated by and approved by emergency services personnel. Mr. Schmidt stated that he is not concerned about whether emergency services can respond, but rather what effect these vehicles being on the street may have on traffic.

Bill Osborne of 106 Bramley Drive inquired what control there is with regard to unauthorized expansion of the business.

Steve Pirro of 214 Vanida Drive stated his belief that the neighborhood draws families due to the park, library, and other locations within walking distance of the homes. He believes that allowing anybody to have a business in his or her home changes the

demographic of the neighborhood. He stated his belief that a previous application to run a Bed & Breakfast lodging facility was denied because of negative neighbor response.

Mr. de la Rosa commented as a point of reference that Special Use Permits for a home occupation limit the amount of space within the home that can be used for the business, which precludes growth into a large-scale business, and that a home occupation may not have any employees. He remarked that telecommuting is often viewed as the coming wave in employment situations, and that home occupations are not very different in that they involve someone working from their home.

Michelle Pirro interrupted to state that a telecommuter would not have clients visiting their home.

Steve Pirro again noted that the Bed & Breakfast was not allowed. Mr. de la Rosa clarified this matter by stating that the Bed & Breakfast application to which Mr. Pirro has referred was denied because the square footage of the home proposed for business use exceeded the 25 percent limitation allowed by law.

Roger Kahn stated that the existing home occupation on Slawson Drive and that being proposed by the applicant are in his opinion as different as night and day. Chairman Feyl inquired whether Mr. Kahn was familiar with the nature of the existing business and Mr. Kahn admitted he did not know what it was.

Steve Pirro stated he was aware of the business at 204 Slawson and stated it is a design business without clientele visiting the home. Ms. Timofy disagreed, stated that the individual at that address is in business as a broker and does in fact have clients visiting his home.

Kathryn Clark of 123 Bramley Drive stated she is opposed to this application due to the traffic.

Ed Lauricella at 221 Slawson Drive commented that every house surrounding the applicant's has been there over 32 years and to him it doesn't seem fair that the residents have paid taxes all these years and this business would be allowed between them. He inquired whether anyone in the room had ever had a "colon cleanout" and expressed suspicion about clientele who find Ms. Timofy via an Internet website.

Chairman Feyl closed the public hearing.

**10. Powers, John  
Forward Road Tract  
Camillus, NY 13031**

**TM#: 024.-02-11.1**

***Special Use Permit: Ropes course***

***(continued from 6/6/06)***

Chairman Feyl noted that this project is still under consideration by the Town of Marcellus and the Town of Camillus Planning Board, and so he continued this public hearing until the October 3, 2006 meeting.

**4. Cam's Pizzeria  
112 Kasson Road  
Camillus, NY 13031**

**TM#: 065.-04-13.001**

***Area Variance: Signage***

***(continued from 7/6/06 meeting)***

Jamie Sutphen, attorney for the applicant, and Bob Picciott of Ancor, Inc. appeared before the Board to present their revised signage plan, which they hope mitigates the impact of the signage while still befitting the unique nature of the building.

Ms. Sutphen described the originally proposed white block signs on the eastern façade of the building as having been changed to a neutral colored background to blend with the side of the building and give the appearance of the signs being smaller. In addition, the size of the proposed signs has been changed from 3' x 12' to 3.5' x 10'. She stated that the proposed signs on the south and north façades of the building have been reduced from 3' x 8' to 2' x 7'. Ms. Sutphen suggested that the variance requested, although substantial given the letter of the law, really isn't substantial if one considers the north and south sides of the building as frontage.

Mr. Picciott added that because the background of the signs on the eastern façade of the building will be painted to match the background materials, the only thing that will stand out is the lettering, which only makes up approximately 2/3 of the sign's area and wouldn't be any more obtrusive than channel lettering. He explained that they desire the box sign rather than such channel lettering to make signage changes easier should they have a tenant change.

Mr. Belle stated that he had no problems with the original proposal and thinks the current proposal is great.

Ms. Flood stated that she had hoped the signs on the eastern façade would be directional in nature rather than just advertising, noting that the Empire Credit Union sign is proposed for the south portion of the eastern façade, when in fact the business entrance is on the north side of the building. She feels this may create confusion for those visiting the site, as they may assume the credit union is located on the south side of the building.

Mr. Picciott stated that Empire Credit Union does have an entrance on the south side of the building, near the Fast Trak Wireless entrance. Ms. Flood commented that navigating to that entrance amongst all the Fast Trak Wireless signs would be difficult and asked how visitors would know that the entrance is for Empire Credit Union without an additional sign over that doorway indicating so. Ms. Sutphen indicated that it is not meant to be an identified doorway and that they believe that once people become familiar with the facility, they will know they can use this entrance.

Mr. Picciott added that to keep the signs on the eastern façade looking balanced, it was necessary to have one tenant on the opposite box sign from the side of the building on which the business is located. They believed that because Empire Credit Union was the largest tenant, the impact would be least for them because they have high visibility.

Ms. Flood indicated her disappointment with the look of the pylon sign, noting that despite the fact that it is well established, the base has dirt piled up, weeds growing, and there is no landscaping. Ms. Sutphen stated that they are anxious to clean up that area, but it will not be done until the outstanding driveway issues are resolved since there may be some affect on this part of the property.

Mr. Burke inquired whether the numbers submitted on the revised summary sheet submitted to the Board match the drawings that were submitted as well; Ms. Sutphen confirmed that they did. Mr. Burke remarked he believed what the applicant submitted was their own interpretation of the Camillus sign code. Ms. Sutphen disagreed, reiterating that the details submitted are for informational purposes only given a scenario where three sides of the building are considered frontage, and should not be construed as intent to interpret the municipal code. Mr. Burke quizzed the applicant on what square footage they are allowed under the municipal code; Ms. Sutphen indicated that the code allows them 60 sq. ft. Mr. Burke stated she was incorrect and that they are allowed 96 sq. ft. including the pylon sign. Ms. Sutphen explained that she only included the building signage in her answer, having deducted the 36 sq. ft. already utilized by the approved freestanding pylon sign.

Mr. Burke again asked if the 169 sq. ft. requested for the building was accurate in comparison to what the applicant presented tonight; Mr. Picciott and Ms. Sutphen again indicated that it was. Mr. Burke remarked that if the Board approves variances it will not be for signs and names but will be for square footage and location; Mr. Picciott and Ms. Sutphen indicated they were aware of that. Mr. Burke noted that the applicant is looking for a variance of 109 sq. ft. for building signage in addition to a variance for the number of signs and asked whether there was any labeling or names on the glass doors. Ms. Sutphen stated there was not, adding that they are seeking guidance from the Board as to what will be permissible, noting that they will remove anything that is not. Mr. Burke stated that the “big monstrosity” in the window must go and asked the applicant if that was understood; Ms. Sutphen stated it was.

Mr. Borsky inquired about the sign that exists above the Cam’s Pizzeria door on the south façade of the building that states something with regard to customer appreciation. Ms. Sutphen was unaware of the sign but assured the Board it will be looked into and if it is inappropriate, it will be addressed. Mr. Borsky noted that he counted 12 signs plus the sandwich board at the Fast Trak Wireless location, which he finds bothersome. Ms. Sutphen assured the Board that all unauthorized signage would be addressed once the final decisions are made on approved signage.

Mr. de la Rosa commented that he would like to see them get rid of the freestanding pylon sign. He feels it looks terrible and believes the building signage somewhat negates the need for the pylon sign, due to its low visibility and readability. He made the suggestion to the applicant that in seeking additional variances on the building, removal of the pylon sign could be an option to consider, which might allow for additional signage square footage elsewhere. Chairman Feyl noted that when the pylon

sign was approved, the plan only projected two tenants in the building; the placement of five signs in that space meant for two is the primary reason for the lack of visibility.

Chairman Feyl stated that the signs over the doorways are meant to identify the business, not advertise it. North or southbound traffic on Kasson Road would have both the pylon signs and the signs on the façade of the building visible to them, but because the pylon sign and side building signs are not visible to those coming from the Camillus Commons site, he understands the request for signage on the east façade. He inquired of Ms. Sutphen why, if a business has signage on the east façade, on the pylon sign, and perhaps on the glass door entrance to the business, what the reason would be for more advertising. Ms. Sutphen disagreed that lettering on the glass doors would be an effective identifier. Chairman Feyl noted that within 100 feet of the corner of the building are three Cam's Pizzeria signs. Mr. Picciott indicated that the business has two entrances necessitating labeling plus their presence on the pylon sign.

Mr. Kilburg stated he is in agreement with Mr. de la Rosa's and Mr. Borsky's remarks regarding the pylon sign and reiterated that he believes more creativity could have been used in the design. He inquired whether any changes to the sign are intended. Ms. Sutphen said there were not and Mr. Picciott added that, depending upon the entire signage package granted, they might be able to consider this.

Mr. Kilburg also reiterated the complaints about the number of Fast Trak Wireless signs. He noted that at the last meeting the applicants stated that there are other businesses in town with similar signage and he wanted to make it clear that such signage is against the law. Mr. Picciott stated that these are temporary signs and will be removed once the permanent signage is in place.

Chairman Feyl inquired what signage would be included on the drive through canopy on the west end of the building. Mr. Picciott stated he believes that a "Do Not Enter" sign is required and that there will be a directional sign as one pulls into the parking lot.

Chairman Feyl also reiterated Ms. Flood's opinion that placing the credit union sign on the southern side of the eastern façade would be deceiving to those entering the site. Ms. Sutphen agreed and stated that they would consider switching the Miracle Ear and the Empire Credit Union signs on the eastern façade of the building to help with directional flow through the one-way drive through. She summarized that they would be willing to have in the resolution that they would move the Empire Credit Union sign, that there would be no signage on doors or windows, and that the signs on the eastern façade would blend with the background, that the others would be placed as presented, and that they would consider remodel of the pylon sign.

Mr. Tom Price, Code Enforcement Officer, clarified for the Board that there are two legal permits for the building right now, one for the pylon sign and one for the Cam's Pizzeria sign on the eastern façade. He agreed there are many sign violations on the building and stated that cursory notifications have been given to tenants so they are aware that the temporary signage will need to be removed. He stated that his office has not done any enforcement on the building pending the ZBA's resolution and asked that the Board be as clear as possible in wording that resolution.

Mr. Kilburg asked about similar banner signage around the town. Mr. Price indicated that they do try to address them and the overall matter is being discussed in committee meetings.

Ms. Flood inquired of Mr. Price what the feasibility would be of moving the pylon sign closer to the entrance and Mr. Price indicated that not only is it embedded in a huge amount of concrete but also there really isn't an appropriate location for it near the entrance.

Mr. Burke asked Mr. Price where the building number is on the face of the building. Mr. Price indicated that to his knowledge the only current indication of the street number is on the pylon sign. Mr. Burke asked Mr. Price whether he enforces the municipal code's requirement that commercial buildings have the street number on the face of the building. Mr. Price indicated that he does but, in this case, the applicant is still working to install signage.

There was no public comment.

Chairman Feyl closed the public hearing.

**5. Quality Quick Signs/Ryan Homes  
151 Shire Way  
Camillus, NY 13031**

**TM#: N/A**

***Area Variance: Signage***

Christopher Flejtuch of Quality Quick Signs appeared before the Board. He explained that they are seeking to install an 8' x 12' non-illuminated single faced sign that will be set in the rear of the property located at 151 Shire Way and will serve the purpose of advertising the Ryan Homes community there.

Chairman Feyl confirmed with the applicant that the sign is intended to be temporary and inquired for what length of time it was needed. Mr. Flejtuch stated that its removal would be contingent upon the purchase of the property, but he would like to request a period of 24 months.

Mr. Borsky asked whether the Ryan Homes sign on Ike Dixon Road and Scenic Drive would stay. Mr. Flejtuch indicated that it would as that sign's purpose is to direct people to the main entry of the community.

Mr. Burke stated that when he visited the location, the applicant's temporary banner on the proposed location of this sign had blown down. Mr. Flejtuch indicated that he was unaware of the banner and stated that it was not theirs. Mr. Burke remarked he thought that the application "stinks" because the top elevation of the proposed sign is only 11' and he doesn't feel that would be sufficient to address the intended sightline from West Genesee Turnpike. Mr. Flejtuch explained that Ryan Homes laid out the specifications for the sign and he is not at liberty to argue their logic. Further, the design was created so that it would not intrude on the residents within the community. Mr. Burke suggested that before the application is resolved, the applicant take a "damn hard look" at it and

suggested he may want to be asking the Board for is a variance for a temporary sign with some elevation to it that is not quite as big.

Chairman Feyl suggested a resolution that gives a range of specifications that are not to be exceeded, giving the applicant room to adjust the sign if it is later deemed necessary. Mr. Carr indicated that would be possible. Ms. Flood stated her belief that it is not the Board's duty to ensure that the sign is an effective advertising tool for selling houses, but rather to simply consider the sign as proposed.

Mr. Burke asked what permit allowed the existing Ryan Homes sign to exist on Ike Dixon Drive and Scenic Drive. Mr. Price did not have the permit information with him but he stated that developers are allowed one sign and suggested this might be it.

Public Comment

Rocco Pirro of 220 Slawson Drive inquired whether the sign would be illuminated. The applicant repeated that the proposed sign is non-illuminated.

Chairman Feyl closed the public hearing.

6. **M.V. Weiss & Assoc./Mersfelder** **TM#: 025.-06-05.0**  
**1003 Oreste Street**  
**Camillus, NY 13031**

***Area Variance: Front Stoop***

Chairman Feyl stated that the applicant notified the Board that they were unable to attend this meeting. At their request, Chairman Feyl continued the matter until the September 5, 2006 meeting.

7. **Vasilev, Alexandar** **TM#: 017.-2-10.0**  
**153 Bennett Road**  
**Camillus, NY 13031**

***Special Use Permit: Home Occupation***

Chairman Feyl read into the record a letter dated July 26, 2006 from Planning Board Attorney Paul Curtin noting that Board's recommendation of the application (attached).

Mr. Vasilev appeared before the Board and stated he is the owner of an LLC, which only involves himself. He explained that the purpose of the Special Use Permit is to give him the right to buy vehicles with a special order. He noted that he works the business on a part-time basis and it consists of procuring pre-ordered vehicles and arranging for their shipment to overseas locations. He stated that no vehicles would ever be on the property as he arranges through a third party company to deliver the cars directly from the sale site to the shipping location. Further, he stated there would be no signs on the property, no improvements to the exterior of the home, and no clients visiting the home. All business is conducted by phone, internet, or at offsite auction locations.

Mr. de la Rosa inquired whether New York State requires a dealer permit to conduct such a business. Chairman Feyl confirmed it does and said that he requires the Special Use Permit in order to obtain that permit. Mr. de la Rosa noted that a New York State dealer requires a sign to be posted and questioned the applicant on his statement that there would be no signs. Mr. Vasilev clarified that the required sign would be posted but no advertising type signage would be.

Mr. Borsky inquired about a car on jacks he noticed when he visited the property. Mr. Vasilev stated that was his personal vehicle that was being worked on.

Mr. Kilburg asked if any of the cars acquired by the applicant would be sold to anyone within the United States, requiring issuance of inspection stickers. Mr. Vasilev indicated they are all shipped overseas.

Ms. Flood asked who the owners of the property were and whether they were involved in the business. Mr. Vasilev stated that the home is owned by Paraskeva Baberkova and George Baberkova, his mother-in-law and brother-in-law with whom he resides, and that they are not involved in the business. He noted that both individuals were present at the meeting.

Mr. Belle asked whether the applicant's business was retail or wholesale, where the cars would be housed while the applicant is selling them, how many dealer plates have been requested from the DMV, and whether the applicant is required to have insurance. Mr. Vasilev noted that most of the auction houses require him to be a dealer so he will need to be retail certified to buy cars from them. He again explained that all purchased cars are transported by a third party company from the sale location directly to the shipping location. He stated he did not request any dealer plates, as he has no need for them and that he does have insurance on his location.

Mr. Belle asked what wholesalers the applicant purchases vehicles from and how often he gets there. Mr. Vasilev stated he visits a variety of dealers, including those in Cicero, NY, Albany, NY and Pennsylvania, on various occasions. Mr. Belle stated that the applicant seems to be a wholesaler and asked whether a retail license requires the applicant to have a lot. Mr. Vasilev indicated he was not aware of any such requirement. Mr. Belle asked if the applicant would deal with people overseas only and Mr. Vasilev again confirmed that was the case. Mr. Belle asked whether buyers contact the applicant or if he contacts them and Mr. Vasilev stated that they have ongoing contact regarding vehicles being sought.

Ms. Flood clarified with the applicant that he does not purchase a car unless it is already sold. Mr. Vasilev confirmed that a car is not acquired until a buyer is already in place. Ms. Flood asked whether the applicant takes a binder and Mr. Vasilev explained that the money is wired to his bank account before he acquires the car.

Mr. Belle asked whether the applicant advertises any of the vehicles he purchases. Mr. Vasilev stated he does not, again explaining that vehicles are only purchased after being requested and prepaid by a particular buyer. Mr. Belle expressed his feelings that it would be odd for anyone to buy a car without looking at the vehicle. Mr. Vasilev disagreed, explaining that he is responsible for ensuring the vehicles meet the buyer's specifications and the buyers can view pictures of the vehicles on the auction company websites. Mr. Belle argued that auction companies often add vehicles to the auction

that are not shown on their website and Mr. Vasilev responded that, because he is only looking for particular cars that meet certain specifications, these late additions to the auction are not of interest to him or his buyers. Mr. Belle asked whether the applicant was going to display the vehicles he purchases and Mr. Vasilev explained for a third time that the vehicles are transported directly from the sale site to the shipping location, where they are then sent overseas to the buyer. Mr. Belle relayed an anecdote about an experience he had when selling his vehicle a few years ago, which he found to be uncomfortable. He further stated his opinion that something about the applicant's information doesn't "blend" as he knows a little bit about the car business and knows that when one applies for a retail license there are certain requirements. He explained his belief that if the applicant does not request any dealer plates on their application to the DMV, that must raise a red flag because it seems very strange to him, as does the fact that the applicant has a third party company transport purchased vehicles. Mr. Vasilev stated that, because this is only a part-time business for him, he cannot transport the cars himself and it is more feasible to pay the third party company to do it for him. Mr. Belle again reiterated that in his experience something doesn't "blend".

Mr. de la Rosa asked whether the applicant is selling to individuals or a company overseas. Mr. Vasilev stated he currently sells to a company he contracts with. Mr. Belle stated that would be wholesaling. Mr. Vasilev again reiterated that he does not have a retail license at this time, but is seeking to obtain one and asked whether selling to individuals would be a problem. Chairman Feyl stated that licensing would be up to the New York State DMV and the only thing this Board needs to concern themselves with is whether to grant a Special Use Permit to allow the applicant to use the phone and computer within his home to conduct this occupation.

Mr. Belle asked how often the applicant attends the Cicero, NY auction and Mr. Vasilev indicated he has been there twice. Mr. Belle asked whether the applicant does any speculation at the auction, buying vehicles to resell. The applicant explained for the third time that he only acquires vehicle for which there is already a prepaid buyer.

There was no public comment.

Chairman Feyl closed the public hearing.

**8. Warners Fire Department  
6444 Newport Road  
Warners, NY 13164**

**TM#: 006.-02-25.0**

***Special Use Permit: 2<sup>nd</sup> Story Addition***

Chairman Feyl noted that the applicant has not yet been able to submit the materials requested by the Town of Camillus Planning Board, to whom this matter was referred for recommendation, but is attempting to do so in order to have the matter reviewed at their August 14, 2006 meeting. As such, Chairman Feyl continued the public hearing until the September 5, 2006 meeting.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Applications:**

1. **Fairmount Free Methodist Church** **TM#: 050.-02-02 & 03**  
**804 Onondaga Road**  
**Syracuse, NY 13219**

***Special Use Permit: Parking Lot Expansion***

Mr. Borsky moved to declare this a SEQR Type II action, refer the matter to the Camillus Planning Board for recommendation, and to set a public hearing for September 5, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

2. **Demmons, Ann** **TM#: 016.-02-09**  
**304 Westfall Street**  
**Syracuse, NY 13209**

***Area Variance - Carport***

Mr. de la Rosa moved to declare this a SEQR Type II action and to set a public hearing for September 5, 2006. Mr. Borsky seconded the motion and it was unanimously approved.

3. **Decker, Gary** **TM#: 041.-05-13.0**  
**4704 West Genesee Street**  
**Syracuse, NY 13219**

***Special Use Permit: Home Occupation***

Ms. Flood moved to declare this a SEQR Type II action, refer the matter to the Camillus Planning Board for recommendation, and to set a public hearing for September 5, 2006. Mr. Kilburg seconded the motion and it was unanimously approved.

4. **Denny's Restaurant** **TM#: 066.-01-11.0**  
**5315 West Genesee Street**  
**Camillus, NY 13031**

***Area Variance - Signage***

Mr. Burke moved to declare this a SEQR Type II action and to set a public hearing for September 5, 2006. Mr. Belle seconded the motion and it was unanimously approved.

### **Minutes of the Previous Meeting:**

Mr. Burke wished to note that the fence he referred to in his remarks during the public hearing for Ganine Gambale, who was seeking an area variance for a pool, is a legal fence.

Mr. de la Rosa moved to approve the minutes as amended. Mr. Borsky seconded the motion and it was unanimously approved.

### **Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$1200.00.

A voucher was received from Eagle Newspapers for advertising fees totaling \$41.97.

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

### **Correspondence:**

A thank you note was received from Charles and Joan Swanson, who appeared at the July meeting of the ZBA. In it, they stated they were delighted to be granted the variance allowing them to construct their enclosed porch, and thanked the Board for allowing it. They also noted that they attended two ZBA meetings and were impressed with the members' concern for the community. They thanked the members for their time and effort in serving on the Board.

Chairman Feyl noted that the New York Planning Federation Conference will be held October 8, 2006 and asked all members of the Board to be prepared to R.S.V.P. by next month's meeting.

## **DECISIONS**

1. **Waldby, Donald**  
**113 Melrose Avenue**  
**Syracuse, NY 13219**

**TM#:042.-06-08.1**

### ***Area Variance – Replace Porch***

Ms. Flood moved to grant a 26' area variance to allow enclosing the existing porch. Mr. Kilburg seconded the motion and it was unanimously approved.

2. **Timofy, Margaret**  
**222 Slawson Drive**  
**Camillus, NY 13031**

**TM#: 057.-02-12.0**

### ***Special Use Permit: Home Occupation***

Mr. Belle moved to deny the application based on the following reasons:

- The procedure has attached to it a procedure code that can be submitted to insurance companies therefore, he views it as a medical procedure
- Since this is a commercial enterprise, it does not belong in a residential area
- It has a negative impact on the neighborhood because of traffic; Shove Park is already there which creates a lot of traffic and additional traffic is not needed

- The petitioners unanimous and overwhelmingly oppose this because it does impact the neighborhood
- It is the responsibility of the Board to protect the character of the neighborhood
- All decisions of the Board do affect the entire town

Mr. Kilburg seconded the motion and, as it was not unanimously approved, the Board was polled:

Ayes: Mr. Borsky, Mr. Kilburg, Chairman Feyl, Mr. Burke, Mr. Belle

Nos: Mr. de la Rosa, Ms. Flood

**3. Cam's Pizzeria TM#: 065.-04-13.001  
112 Kasson Road  
Camillus, NY 13031**

***Area Variance: Signage***

Mr. Belle moved to grant area variances for signage as follows:

- a 109 sq. ft. variance to allow 169 sq. ft. of total building signage
- a 105 sq. ft. variance to allow 205 sq. ft. total property signage
- allow on the eastern façade of the building a 29 sq. ft. sign for Cam's, a 17.5 sq. ft. sign for the Shanghai restaurant, a 17.5 sq. ft. sign for Miracle Ear, a 12' sq. ft. sign for Fast Trak, and a 23 sq. ft. sign for Empire Credit Union
- allow on the southern façade of the building two 14 sq. ft. signs
- allow on the northern façade of the building three 14 sq. ft. signs
- remove all window signs
- switch the proposed location of the Empire Credit Union and Miracle Ear signs on the eastern face

Mr. Burke seconded the motion and, as it was not unanimously approved, the Board was polled:

Ayes: Mr. de la Rosa, Mr. Kilburg, Mr. Burke, Ms. Flood, Mr. Belle

Nos: Mr. Borsky, Chairman Feyl

**4. Quality Quick Signs/Ryan Homes TM#: N/A  
151 Shire Way  
Camillus, NY 13031**

***Area Variance: Signage***

Chairman Feyl moved to grant an area variance to allow a 96 sq. ft. subdivision sign for a period not to exceed 24 months. Mr. Kilburg seconded the motion and, as it was not unanimously approved, the Board was polled:

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

Nos: Mr. Burke

5. **Vasilev, Alexandar**  
**153 Bennett Road**  
**Camillus, NY 13031**

**TM#: 017.-2-10.0**

***Special Use Permit: Home Occupation***

Mr. Belle asked to continue this matter because he wants to be sure that what the applicant is applying for is appropriate for what he is doing. Mr. Belle stated that something to him doesn't seem correct if this individual is applying for a retail license to sell cars but will not have a lot and will not have dealer plates. He noted that unless they have changed New York State law, it doesn't seem appropriate to him.

Mr. Burke and Chairman Feyl explained to Mr. Belle that the public hearing is already closed and cannot be continued. Ms. Flood stated that the Board is considering a Special Use Permit, not issuance of the retail car license. Mr. Belle noted that if the applicant were granted a retail car license, he'd have permission to sell cars at his location. Mr. Carr clarified that the constraints of the Special Use Permit would not permit the applicant to do so, even if his retail license allowed it. Chairman Feyl reiterated that the applicant did note he is engaged in wholesale activities.

Mr. Burke moved to grant a Special Use Permit to conduct a home occupation conditioned upon the applicant having a New York State DMV license, there being no resale vehicles or customers on the property and only signage as required by the New York State DMV. Mr. de la Rosa seconded the motion and, as it was not unanimously approved, the Board was polled:

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

**COMMENTS OF THE BOARD**

Mr. Borsky stated he would not attend at the September 5, 2006 meeting.

Ms. Flood wished to inform the Board that the Planning & Zoning Committee is aware of the signage problems within the town and is addressing them.

**ADJOURNMENT:**

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

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
September 5, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
George Burke  
Richard de la Rosa

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Bill Davern, 3<sup>rd</sup> Ward Councilor  
John Fatcheric, Planning Board Chairperson  
1 other

**ABSENT**

Ronald Belle  
Donald Borsky  
Joseph Kilburg

The meeting was called to order at 7:02 p.m. by Chairman Feyl, followed by the Pledge of Allegiance. Mr. de la Rosa made a motion to waive the reading of the public hearing notices. Ms. Flood seconded the motion and it was unanimously approved.

**PUBLIC HEARINGS:**

1. **M.V. Weiss/Mersfelder** **TM#: 025.-06-05.0**  
**1003 Oreste Street**  
**Camillus, NY 13031**

***Area Variance-Front Stoop***

Because no representative appeared on behalf of the applicant, Chairman Feyl continued this public hearing until the October 3, 2006 meeting of the Zoning Board of Appeals.

2. **Warners Fire Department** **TM#: 006.-02-25.0**  
**6444 Newport Road**  
**Warners, NY 13164**

***Special Use Permit-2<sup>nd</sup> Story Addition***

Chairman Feyl noted that because the applicant has not yet presented the requested materials to the Camillus Planning Board, this public hearing would be continued until the October 3, 2006 meeting of the Zoning Board of Appeals.

3. **Fairmount Free Methodist Church** **TM#: 050.-02-02 & 03**  
**804 Onondaga Road**  
**Syracuse, NY 13219**

***Special Use Permit: Parking Lot Expansion***

Chairman Feyl noted that because the applicant has not yet presented the requested materials to the Camillus Planning Board, this public hearing would be continued until the October 3, 2006 meeting of the Zoning Board of Appeals.

4. **Demmons, Ann** **TM#: 016.-02-09**  
**304 Westfall Street**  
**Syracuse, NY 13209**

***Area Variance - Carport***

Because no representative appeared on behalf of the applicant, Chairman Feyl continued this public hearing until the October 3, 2006 meeting of the Zoning Board of Appeals.

5. **Decker, Gary** **TM#: 041.-05-13.0**  
**4704 West Genesee Street**  
**Syracuse, NY 13219**

***Special Use Permit: Home Occupation***

Chairman Feyl noted that the applicant did appear before the Camillus Planning Board and a recommendation has been received from that Board. The applicant has since contacted the Code Enforcement office and informed them that he'd like to withdraw his application. He was instructed to submit a written request to the ZBA but because that has not yet been received, Chairman Feyl continued the public hearing until the October 3, 2006 meeting of the Zoning Board of Appeals.

6. **Denny's Restaurant** **TM#: 066.-01-11.0**  
**5315 West Genesee Street**  
**Camillus, NY 13031**

***Area Variance - Signage***

Caleb Brown, General Manager of the restaurant, appeared before the Board to request an area variance to allow a freestanding monument sign at the location.

Chairman Feyl reviewed the provided diagram with the applicant and, upon consultation with Mr. Carr, it was determined that the proposed placement of the sign does meet the minimum front and side setback requirements set forth by law and that the variances requested in the application are not necessary.

Mr. Burke noted that the proposed sign would exceed the dimensions allowed by law. After further discussion regarding this facet of the application, it was determined that the Board could rule on the signage dimensions incidental to the application for setback variances in an effort to prevent the applicant from having to file a separate application and appear before the Board once again regarding the proposed signage dimensions.

Chairman Feyl closed the public hearing.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Applications:**

1. **Caryl, William / Design Shop Signs** **TM#: 040.-10-23.0**  
**5102 West Genesee Street**  
**Camillus, NY 13031**

***Area Variance: Sign Structure***

Mr. Burke moved to declare this a SEQR Type II action with a negative declaration and to set a public hearing for October 3, 2006. Mr. de la Rosa seconded the motion and it was unanimously approved.

2. **Tucker, Tim** **TM#: 033.-02-01**  
**Lot 13, Hinsdale Hills**  
**Camillus, NY 13031**

***Area Variance – New Residence***

Mr. Burke moved to declare this a SEQR Type II action with a negative declaration and to set a public hearing for October 3, 2006. Ms. Flood seconded the motion and it was unanimously approved.

**Minutes of the Previous Meeting:**

Mr. de la Rosa moved to approve the minutes of the August 1, 2006 meeting. Ms. Flood seconded the motion and it was unanimously approved.

**Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$2225.00.

A voucher was received from Eagle Newspapers for advertising fees totaling \$43.89.

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

**Correspondence:**

None

**Discussion:**

Chairman Feyl notified the Board that a Notice of Petition/Article 78 proceeding was served upon the Town related to the Timofy decision of August 1, 2006 and that Mr. Carr would

appear in court to address the petition on October 5, 2005. Mr. Carr provided the Board with copies of the petition for their review and verbally outlined both the complaint and the arguments of response.

Chairman Feyl inquired which members of the Board planned to attend the New York Planning Federation meeting in Saratoga, NY. Ms. Flood & Mr. de la Rosa indicated they planned to attend.

## **DECISIONS**

- 1. Denny's Restaurant  
5315 West Genesee Street  
Camillus, NY 13031**

**TM#: 066.-01-11.0**

### ***Area Variance - Signage***

Mr. Burke reiterated that the applicant's plan does meet the requirements for both front and side setbacks so no area variances with regard to that are necessary. However, in reviewing the application and taking note of the proposed structure, he moved to grant sufficient variance to allow an approximately 4' x 5' earth toned sign base structure containing no message along with an approximately 4' x 8' sign atop the base. Mr. de la Rosa seconded the motion and it was unanimously approved.

## **COMMENTS OF THE BOARD**

Ms. Flood commented that she recently conversed with one of the attorneys involved in the training seminars attended by the Board and had remarked to that individual that the NYS Planning Federation Conference seminar schedule seemed to have overlooked the prominent topic of windmills. Ms. Flood was told that the topic of windmills would be addressed at a future State seminar.

## **ADJOURNMENT:**

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

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
October 3, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

John Fatcheric, Planning Board Chairman  
Roger Pisarek, 1<sup>st</sup> Ward Councilor  
7 members of the public

**ABSENT**

Joseph Kilburg

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

**PUBLIC HEARINGS**

1. **Powers, John**  
**Forward Road Tract**  
**Camillus, NY 13031**  
***Special Use Permit: Ropes course***  
***(continued from 8/4/06 meeting)***

**TM#: 024.-02-11.1**

John Powers appeared to address his application. He noted that the Town of Marcellus ZBA did make one edit to the minutes of their September 7, 2006 meeting (copy attached), which were previously submitted to the Town of Camillus in draft form. He provided an official and approved copy of the edited minutes, in which the first sentence of condition #7 was changed to state: *"The property owner will maintain emergency access and Orenda Springs will provide first aid services to participants and maintain access to the site for emergency medical personnel if needed"*.

Chairman Feyl noted that a letter had been received from Camillus Planning Board Attorney, Paul Curtin, stating:

*"After a thorough review of the application and with the input of the Town of Marcellus ZBA, the Town Planning Board has determined as follows:*

*The site plan has been reviewed in a coordinated fashion with the Town of Marcellus*

*That the plan as presented by the applicant does not present any health, safety or related issues that have not otherwise been dealt with appropriately by the applicant.*

*The Planning Board of the Town of Camillus has made diligent inquiries as to the site plan and its questions and concerns have been addressed by both the applicant as well as the Town of Marcellus Zoning Board of Appeals”*

Mr. Burke noted that Camillus Planning Board Chairman, John Fatcheric, told him there was no activity north of the railroad. He suggested that the applicant’s drawing does not show that. Mr. Powers reviewed the map with Mr. Burke, demonstrating that Mr. Fatcheric’s statement was correct.

Mr. Burke stated that, since the railroad is active, he’d like to condition the granting of any Special Use Permit upon the fact that there be none of the described activities permitted within 100’ of the railway right of way and the property north of that. Mr. Powers stated he did not intend to use the property for the described purposes but he would object to the Board restricting his personal use of that portion of his land. Mr. Burke clarified that he’d like to restrict the use of the land for the fitness course purposes to the property south of the southern edge of the 75’ railway right of way. Mr. Powers agreed with that.

Ms. Flood noted that, based on Planning Board Member John Heater’s report of his visit to the applicant’s site and the activities he engaged in during his visit, she is comfortable that safety issues have been sufficiently addressed. She inquired whether someone was on the property all the time and whether the applicant had any way of policing the property when he is not there. Mr. Powers indicated that he lives there, that the property is posted and there is a barbed wire fence surrounding the entire property.

Mr. Carr requested to address the Board, noting that the Onondaga County Planning Board, in response to the Board’s referral to them, noted concerns about sanitary facilities. Mr. Carr wished to confirm that this issue was addressed and Mr. Powers stated he is only required to have portable toilet facilities if there are over 80 people on site, placement of which was included in the site plan presented to the Town of Marcellus and the Town of Camillus Planning Boards.

There was no public comment.

Chairman Feyl closed the public hearing.

**2. M.V. Weiss/Mersfelder**

**TM#: 025.-06-05.0**

**1003 Oreste Street  
Camillus, NY 13031  
Area Variance: Front Stoop  
(continued from 9/5/06 meeting)**

No representative appeared on behalf of the applicant. Chairman Feyl explained that Mr. Carr has tried without success to contact the applicant. Mr. Carr stated he has learned that M.V. Weiss & Associates no longer represents the Mersfelders. He suggested that the application may be deemed abandoned and the homeowner could reapply in the future if desired.

Mr. Burke suggested making an interpretation that, when a hammerhead is involved, the setback measurement should be taken from the roadway right of way rather than

the hammerhead right of way. He noted that, in this case, the property has been subdivided such that there will be no further development or extension of the road, rendering the road a dead end forever.

Ms. Flood inquired whether any direct contact had been made with the homeowners. Mr. Carr stated that all correspondence was mailed to the applicant, M.V. Weiss & Associates, at the mailing address provided and that the contact information provided for the Mersfelders was unable to be verified. He added that, if the Mersfelders hired M.V. Weiss & Associates to act as their agent in this matter, they certainly would be aware that an application had been filed on their behalf and would be responsible to contact the Board in light of the dissolution of their relationship with that agent.

Mr. Burke moved to dismiss the application without prejudice and send notification to the applicant, as well as to the Mersfelders both at the address on the application and the property address related to the application. Chairman Feyl seconded the motion and it was unanimously approved.

- 3. Warners Fire Department** **TM#: 006.-02-25.0**  
**6444 Newport Road**  
**Warners, NY 13164**  
***Special Use Permit: 2<sup>nd</sup> Story Addition***  
***(continued from 9/5/06 meeting)***

Chairman Feyl moved to consider this application abandoned and dismiss it due to the failure of the applicant to address this application with either the Zoning Board of Appeals or the Camillus Planning Board. Ms. Flood seconded the motion and it was unanimously approved.

- 4. Demmons, Ann** **TM#: 016.-02-09**  
**304 Westfall Street**  
**Syracuse, NY 13209**  
***Area Variance: Carport***  
***(continued from 9/5/06 meeting)***

Donna Bennett and Karolyn Tosti, daughters of the applicant, appeared on behalf of the applicant. They explained that it was their understanding that the contractor hired to construct the carport had taken care of all the required permits and paperwork and had built the carport in accordance with the law. It was only after the fact that they found out the carport was in violation and so they are seeking a 4' side yard setback variance to bring the carport into compliance.

Mr. Borsky inquired who owned the vacant property next door and Ms. Bennett stated it belonged to the neighbor.

Mr. Burke noted that the carport is forward of the rear building line, an issue which is not addressed in the application, and suggested that a variance for that be included as part of the decision on the application.

Chairman Feyl closed the public hearing.

5. **Fairmount Free Methodist Church** **TM#: 050.-02-02 & 03**  
**804 Onondaga Road**  
**Syracuse, NY 13219**  
***Special Use Permit: Parking Lot Expansion***  
***(continued from 9/5/06 meeting)***

Chairman Feyl stated his feeling that this application should be dismissed due to lack of response from the applicant. He explained he had a discussion with 4<sup>th</sup> Ward Councilor, Jim Salanger, regarding the situation and Mr. Salanger requested that the Board continue the hearing for one additional month to allow him time to do further research. As such, Chairman Feyl continued the public hearing until the Thursday, November 9, 2006 meeting of the Zoning Board of Appeals.

6. **Decker, Gary** **TM#: 041.-05-13.0**  
**4704 West Genesee Street**  
**Syracuse, NY 13219**  
***Special Use Permit: Home Occupation***  
***(continued from 9/5/06 meeting)***

Chairman Feyl stated that the applicant submitted a letter to the Board requesting withdrawal of his application because his purchase of the property did not go through as planned.

7. **Tim Tucker** **TM#: 033.-02-01**  
**Lot 13 Hinsdale Hills**  
**Camillus, NY 13031**  
***Area Variance: New Residence***

Tim Tucker appeared before the Board to address the application. Chairman Feyl noted that, because the lot fronts the arterial street of Hinsdale Road, the required setback is doubled and the applicant is seeking a variance to allow him to place his home in line with the existing homes on the road, which are have an approximately 35' setback.

Mr. de la Rosa stated his belief that the house should be no closer than the homes that already exist on the road.

Mr. Borsky inquired where the main entrance of the home would be and Mr. Tucker stated it would be located on the Elm Hill Way side of the property. Mr. Borsky inquired whether there would be a walk out basement on the north side of the property; expressing concern for possible problems created on the adjacent property should fill be brought onto the site. Mr. Tucker stated that his plans for the north side of the property are undetermined at this point and noted that he is the owner of the adjacent property so any changes would only affect him. Mr. Borsky asked what would become of the fence facing Elm Hill Way. Mr. Tucker stated the fence is on his property and it is undetermined at this time what will be done with it.

Mr. Burke stated that the lot is larger than a normal R3 classification lot. He inquired

whether the applicant intended to set the house back 35' from both Elm Hill Way and Hinsdale Road.

There was no public comment.

Chairman Feyl closed the public hearing.

**8. Caryl, William/Design Shop Signs** **TM#: 040.-10-23.0**  
**5102 West Genesee Street**  
**Camillus, NY 13031**  
***Area Variance: Signage***

A representative of Design Shop Signs appeared on behalf of the applicant to address the application for an area variance that will allow them to place a monument type sign in front of the business.

Mr. de la Rosa asked for confirmation that the square footage provided was for the overall structure, not for the sign itself. The applicant's representative confirmed that the dimensions provided were for the entire structure and that the new signboard would actually be smaller than that which currently exists.

Mr. Borsky asked whether the structure would be in the same location as the existing sign. The applicant's representative explained that the new sign would not be in exactly the same place due to the existing four-post design being replaced by a wider base, but it would have essentially the same footprint as the existing sign.

Mr. Burke stated he does not remember the previous variance referred to in the application materials and reiterated that the new monument structure must maintain the 15' setback from the right of way. He inquired what the actual dimensions of the message portion of the sign would be and Chairman Feyl calculated the signboard would have a maximum size of 24" high x 48" long with the overall square footage of the monument structure being 30 sq. ft.

There was no public comment.

Chairman Feyl closed the public hearing.

**9. Pioneer Camillus Developments, LLC** **TM#: 023.2-01-25.0**  
**214 Linenhall Street**  
**Camillus, NY 13031**  
***Area Variance: Home in Rear Setback***

Chris Daniher, attorney for Pioneer Camillus Developments, LLC, appeared to address the application. Chairman Feyl inquired whether the applicant had exhausted all legal and insurance avenues that exist between the company and the surveyor, as this was a gross error and he is of the opinion that the issue is between the applicant and the surveyor and bringing the house into compliance should be the responsibility of those two parties.

Mr. Daniher started by explaining that the foundation of the home is less than 3' into the setback and that it is his understanding that, under the law, the deck is not considered an encroachment. He stated that the Florida room, that is elevated on posts and not sitting on a foundation, makes up the majority of the encroachment into the setback and, were it not enclosed, it too would not be considered an encroachment into the setback.

Mr. Daniher noted that Pioneer Camillus Developments, LLC has a contract with a buyer, which further complicates the issue. He stated that commencing legal action that may or may not settle this matter and could take years to resolve would not make the buyer, the surveyor, or Pioneer Camillus Developments, LLC whole, which is why they are seeking a variance to allow the structure to remain as it stands.

Chairman Feyl remarked that the property backs up to green space with no lots or homes. Mr. Daniher added that according to the subdivision development plans, there never would be buildable lots in that location.

Mr. de la Rosa noted that a variance in excess of 50% is a substantial variance and questioned whether the Board had the authority to grant a variance of this size.

Mr. Borsky inquired who owned the property to the west. Mr. Daniher explained that the lots on either side of this property are residential lots and the area behind the property is green space owned by the Homeowners' Association. Mr. Borsky stated he had noticed drainage structures in that area and Mr. Daniher stated that those are actually part of the sanitary sewer system, which is on the other side of the property line to the south.

Mr. Borsky asked Mr. Daniher to describe in detail the circumstances that led to the misplacement of the house on the lot. Mr. Daniher introduced the original surveyor, Joseph Phillips, to address that question. Mr. Phillips explained that they place offset stakes as a guideline for the contractor to dig the foundation from, which are generally placed 10' off the corner of the foundation. He stated that he must have transposed the figures when he handed the information to the field crew or made some other type of error, noting that this is only the second time in his 35-year career that he's made this type of mistake.

Chairman Feyl inquired whether all the houses in the development had been staked the same way with the same offsets. Mr. Phillips stated that they were and that the contractors were all provided with a copy of the staking plan.

Mr. Burke noted that not all the houses in that development are the same and that there are six or eight different models. Mr. Daniher stated that was true, noting that those that are engaged in the digging activities have no discretion, which is why the company has a surveyor involved and use the staking process. Mr. Burke inquired what the width dimension was of the right of way behind the property, and Mr. Daniher explained he is unsure because that is a part of Section A, and he only is familiar with Section B, the section in which this particular property is located.

Ms. Flood confirmed with Mr. Daniher that the backyard setback on the property to the east of the subject property was 30' and asked whether the Florida room was a last minute addition to the original house plan. Mr. Daniher stated he couldn't say with certainty whether the room was a late addition, but an addendum would have been

required for such a substantial change and he did not recall seeing one so he assumes not. Mr. Phillips couldn't recall with any certainty whether it was on the plans he viewed.

Ms. Flood confirmed with Mr. Daniher that, when Section B was laid out, all houses had the correct backyard setbacks. She also remarked that she couldn't see how the house could have been placed on the lot any other way regardless of the mistake and noted that even the 14' yard that remains is not particularly usable due to the severe slope.

Mr. Fatcheric, Camillus Planning Board Chairman, expressed concern that allowing the variance might set a precedent for other variances as remedy for developer error. He suggested that the developer should implement an improved system of checks and balances to prevent this type of error and the need for any future variances.

Chairman Feyl stated to Mr. Daniher that the message this Board would like to be taken back to Pioneer Developments, LLC is that there will be no further variances issued as remedy for the developer's mistakes. Moving forward, they must be certain that all future builds are in complete compliance with the municipal code.

Chairman Feyl closed the public hearing.

## **NEW BUSINESS**

### **Applications:**

- Buza, Steven W. Jr. for Dean, John & Theresa** **TM#: 060.-05-04.0**  
**203 Forsythe Street**  
**Camillus, NY 13031**  
***Area Variance: Reduce Side Yard Setback***

Mr. Belle moved to declare this a SEQR Type II action and to set a public hearing for November 9, 2006. Ms. Flood seconded the motion and it was unanimously approved.

### **Minutes of the Previous Meeting:**

Mr. de la Rosa moved to approve the minutes of the September 5, 2006 meeting. Chairman Feyl seconded the motion and it was unanimously approved.

### **Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$2800.00.

A voucher was received from Eagle Newspapers for advertising fees totaling \$18.87.

A voucher was received from Eagle Newspapers for advertising fees totaling \$29.65.

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

### **Discussion:**

There was a brief discussion regarding next week's court proceeding regarding the Timofy decision.

## **DECISIONS**

1. **Powers, John** **TM#: 024.-02-11.1**  
**Forward Road Tract**  
**Camillus, NY 13031**  
***Special Use Permit: Ropes course***  
***(continued from 8/4/06 meeting)***

Chairman Feyl moved to grant a Special Use Permit incorporating the thirteen conditions set forth by the Town of Marcellus Planning Board, adding the additional condition of restricting activity to the area south of the 75' railway right of way, and superseding the recommendation of the Onondaga County Planning Board for denial based on lack of sanitary facilities on the plans submitted at that time, an issue which has since been appropriately addressed.

Chairman Feyl reviewed the fact that, in consideration of the Special Use Permit application, the information presented to the Board confirmed that the criteria of Section 1303 of the Camillus Municipal Code has been met in that the activity to be pursued will be conducted in such a manner that its potential adverse impacts upon the character of the neighborhood have been mitigated to the extent that is reasonably practicable, it is consistent with the general purpose of the zoning district within which the use is proposed, it would not change the essential character of the neighborhood, and it is otherwise not detrimental to the health, safety and general welfare of the inhabitants of the neighborhood.

Mr. de la Rosa seconded the motion and it was unanimously approved.

2. **Demmons, Ann** **TM#: 016.-02-09**  
**304 Westfall Street**  
**Syracuse, NY 13209**  
***Area Variance - Carport***  
***(continued from 9/5/06 meeting)***

Mr. de la Rosa moved to grant an Area Variance to allow a carport on the side of the house to within 1' of the side property line and forward of the rear building line, but not to be forward of the front houseline. Ms. Flood seconded the motion and, as it was not unanimous, the Board was polled:

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

3. **Tim Tucker** **TM#: 033.-02-01**  
**Lot 13 Hinsdale Hills**  
**Camillus, NY 13031**  
***Area Variance – New Residence***

Mr. Burke moved to grant a 35' Area Variance on the Hinsdale Road setback to allow a house to be constructed consistent with other homes in the neighborhood. Chairman Feyl seconded the motion and it was unanimously approved.

4. **Caryl, William/Design Shop Signs**  
**5102 West Genesee Street**  
**Camillus, NY 13031**  
***Area Variance – Signage***

**TM#: 040.-10-23.0**

Mr. Burke moved to grant an Area Variance to allow a 30 sq. ft. monument sign structure that will include a 10 sq. ft. message board. Chairman Feyl seconded the motion and it was unanimously approved.

5. **Pioneer Camillus Developments, LLC**  
**214 Linenhall Street**  
**Camillus, NY 13031**  
***Area Variance – Home in Rear Setback***

**TM#: 023.2-01-25.0**

Mr. de la Rosa, Mr. Borsky, and Chairman Feyl all shared their belief that there likely was an honest mistake at the root of the problem on this property, but also expressed concern that this is the second instance of the developer seeking a variance to remedy such an error. That being said, they all agreed that moving the house or the Florida room on the house would be an extreme hardship for those involved.

Mr. Burke stated he suspects that the survey error was only a 3' error on the foundation placement and that the sales office likely made an error allowing the Florida room to be added on to the original house plan. However, given the particulars of this lot, he recommended granting this variance, but allowing no such variances in the future.

Mr. de la Rosa moved to grant a 16' variance to the rear yard setback, restricted to the structure as it currently exists, because the rear of the property backs up to a green space right of way and so will have minimal impact to the community. Mr. Burke seconded the motion and it was unanimously approved.

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

Chairman Feyl wished Mr. de la Rosa and Ms. Flood a safe and productive trip to the New York State Planning Federation Conference.

#### **ADJOURNMENT:**

Mr. de la Rosa made a motion to adjourn the meeting at 8:55 p.m. Mr. Borsky seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
November 9, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

3 others

**ABSENT**

Joseph Kilburg

The meeting was called to order at 7:04 p.m. by Chairman Feyl, followed by the Pledge of Allegiance.

Mr. de la Rosa made a motion to waive the reading of the public hearing notices. Mr. Borsky seconded the motion and it was unanimously approved.

**PUBLIC HEARINGS**

1. **Fairmount Free Methodist Church** **TM#: 050.-02-02 & 03**  
**804 Onondaga Road**  
**Syracuse, NY 13219**  
***Special Use Permit: Parking Lot Expansion***  
***(continued from 10/3/06 meeting)***

Chairman Feyl noted that, at the request of Councilor Salanger, this hearing was continued at the last meeting. He stated that Mr. Salanger has researched this application in the interim and now recommends that the Board dismiss it. Ms. Flood moved to consider the application abandoned and to dismiss it without prejudice. Mr. Borsky seconded the motion and it was unanimously approved.

2. **Buza, Steven W. Jr. for Dean, John & Theresa** **TM#: 060.-05-04.0**  
**203 Forsythe Street**  
**Camillus, NY 13031**  
***Area Variance: Reduce Side Yard Setback***

Mr. John Dean, the property owner, and Mr. Steve Buza, his hired contractor, appeared before the Board to address the application. Chairman Feyl noted that the application is for a four-foot side yard variance to allow construction of an addition on the side of the existing home.

Mr. de la Rosa stated he visited the property and feels that the proposed project fits the look of the neighborhood. Because of that and the fact that the variance is not a major request, he has no problems with the proposal.

Mr. Borsky asked who owned the large shrubs on that side of the house & whether there would be room to mow once the addition was constructed, whether the concrete steps will be removed, and whether the addition will match the existing home. Mr. Dean stated that, because the property line is at an angle, the neighbor owns the shrubs toward the front of the property and he owns those toward the back, that there will be ample room for mowing, that the concrete stairs will be removed, and that the addition will match the existing home.

Mr. Burke noted that the deck and access structure he observed when visiting the property are not shown on the drawing and inquired whether they are legal. Mr. Dean confirmed that they are, adding that all the appropriate permits were obtained from the Code Enforcement Office at the time of construction. Mr. Buza reiterated that all the proper permits were obtained for those projects and that the deck actually infringed further into the setback than this proposed project would. Mr. Dean added that the garage next door was built subsequent to the construction of the deck.

Mr. Burke also questioned the tire tracks he noticed in the yard and asked whether Mr. Dean had a permit for a second curb cut on the property. Mr. Dean indicated that he does not have a second curb cut and that the tracks were a result of his wife pulling the car closer to the door in order to bring their baby into the home, after which she parks the car in the driveway, along with their other vehicles. He stated that, if necessary, his wife could cease attempting to get the baby closer to the door if that is truly a deterrent to approval of this application.

There was no public comment.

Chairman Feyl closed the public hearing.

**3. Kandon, LLC**  
**5302 – 5304 West Genesee Street**  
**Camillus, NY 13031**  
***Area Variance: Signage***

**TM#: 035.-05.23.1**

Mr. Art Kanerviko appeared before the Board to address this application. He explained that the property would contain a Dunkin' Donuts building and another mini-plaza to contain a Moe's Southwest Grill and another retailer. He has given Dunkin' Donuts permission to install all their requested signage, which falls within the parameters set forth by law for the property. However, as a result, that leaves little square footage for signage related to the mini-plaza building, so he is now seeking a variance for that. He also added that they are currently seeking to subdivide the property such that each building will sit on its own tax parcel, but that is still in progress.

Chairman Feyl explained that, because it is a single lot at this point, the Board must consider the application as a request to place two monument signs on a single property. He asked the applicant for a picture of the monument signs, including dimensions. Mr. Kanerviko submitted a diagram and stated the overall dimensions of the monument sign to be 8' 1" x 7', with overall square footage of approximately 57 square feet, which will contain an approximately 24 square feet message board area that does conform with the current law.

Chairman Feyl asked Mr. Carr for clarification on the application issues. Mr. Carr noted that the application indicates a request for two monument signs on one property and confirmed that, because the lot is not yet subdivided, the application cannot be considered as such. Given that, and the fact that Dunkin' Donuts has been granted permission by the developer to use the majority of the allowable square footage, Mr. Carr stated that the only thing that the Board needs to consider is granting a variance for the additional signage on the mini-plaza building containing Moe's Southwest Grill.

Chairman Feyl summarized that a 59 square foot variance would be required to allow the monument structure, which would contain a second freestanding legally conforming sign. Mr. Kanerviko calculated the square footage of the planned building signage and the Board determined that it would conform to the existing law and no variance would be required for that.

Mr. Borsky inquired whether the poles and guide wires currently on the site would be left in place. Mr. Kanerviko stated that they would be placed in the islands and have been addressed in order to meet the setbacks.

There was no public comment.

Chairman Feyl closed the public hearing.

**4. Kandon, LLC**  
**5310 West Genesee Street**  
**Camillus, NY 13031**  
***Area Variance: Signage***

**TM#: 035.-05.25.1**

Mr. Art Kanerviko appeared before the Board to address this application. He described the building on this property as being 85' x 65', approximately 5525 square feet, and with 85' of store frontage.

Chairman Feyl noted that the total dimensions of the desired monument structure are 74 square feet and that it would contain a message board of 36 square feet, which conforms to the existing law.

Mr. Kanerviko questioned the allowable building signage and Chairman Feyl explained that a total of 100 square feet is allowed for the property and, after deducting the 36 square feet slated for the freestanding sign, 64 square feet of allowable signage would remain for the building. Mr. Kanerviko calculated that would allow tenants approximately  $\frac{3}{4}$  foot of signage for every foot (linear) of store frontage they had, which would be acceptable and no variance would need to be requested.

There was no public comment.

Chairman Feyl closed the public hearing.

## **NEW BUSINESS**

### **Applications:**

- 1. Emerald Management Group**  
**104 Bennett Road**  
**Camillus, NY 13031**  
***Area Variance: Signage***

**TM#: 017.-05-01**

Mr. Burke moved to declare this an unlisted action under SEQR and to set a public hearing for December 5, 2006. Mr. Borsky seconded the motion and it was unanimously approved.

### **Minutes of the Previous Meeting:**

Mr. de la Rosa moved to approve the minutes of the October 3, 2006 meeting. Ms. Flood seconded the motion and it was unanimously approved.

### **Vouchers:**

A voucher was received from Melvin & Melvin for legal fees totaling \$1750.00.

A voucher was received from Eagle Newspapers for advertising fees totaling \$19.64.

A voucher was received from Eagle Newspapers for advertising fees totaling \$31.19.

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

A voucher was received from Joy Flood for reimbursement of expenses from attending the Planning Federation Conference totaling \$792.74.

A voucher was received from Richard de la Rosa for reimbursement of expenses from attending the Planning Federation Conference totaling \$779.25.

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

### **Correspondence:**

The final decision was received from the Onondaga County Supreme Court concerning the Article 78 proceeding related to the Timofy decision. Chairman Feyl noted that issuance of a Special Use Permit would be an action item at the December 5 meeting of the Board.

## **COMMENTS OF THE BOARD**

Ms. Flood reviewed information that was covered at the New York State Planning Federation Conference, particularly electronic communication issues, matters involving setting business hours of applicants when issuing Special Use Permits, and that all correspondence and conversations that take place prior to a public hearing need to be disclosed during the public hearing.

Mr. Carr added additional clarification to these issues, including noting that the Board may set reasonable limitations with regard to issuance of Special Use Permits and that any Board member who personally visits an application property should note it for the record during the public hearing.

## **DECISIONS**

- 1. Buza, Steven W. Jr. for Dean, John & Theresa** **TM#: 060.-05-04.0**  
**203 Forsythe Street**  
**Camillus, NY 13031**  
***Area Variance: Reduce Side Yard Setback***

Mr. Belle moved to grant an Area Variance of 4' on the total side yard setback to allow construction of a porch. Mr. de la Rosa seconded the motion and it was unanimously approved.

- 2. Kandon, LLC** **TM#: 035.-05.23.1**  
**5302 – 5304 West Genesee Street**  
**Camillus, NY 13031**  
***Area Variance: Signage***

Mr. Burke moved to grant an Area Variance allowing a 59 square foot monument structure to be erected, which will contain a second freestanding sign of 35 square feet, and which will meet the required 15' setback from each street, as per the drawing submitted by the applicant. Ms. Flood seconded the motion and it was unanimously approved.

- 3. Kandon, LLC** **TM#: 035.-05.25.1**  
**5310 West Genesee Street**  
**Camillus, NY 13031**  
***Area Variance: Signage***

Mr. Burke moved to grant a variance to allow a 74 square foot monument structure to be erected, which will contain a legally conforming sign, and which will meet the required 15' setback. Mr. Borsky seconded the motion and it was unanimously approved.

## **ADJOURNMENT:**

Mr. de la Rosa made a motion to adjourn the meeting at 8:30 p.m. Chairman Feyl seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

**TOWN OF CAMILLUS  
ZONING BOARD OF APPEALS  
December 5, 2006 - 7:00 p.m.**

**PRESENT:**

Robert Feyl, Chairman  
Josephine Flood, Vice Chairperson  
Ronald Belle  
Donald Borsky  
George Burke  
Richard de la Rosa

**ABSENT**

Joseph Kilburg

**STAFF PRESENT:**

Ronald Carr, Esq.

**GUESTS & MEMBERS OF THE PUBLIC**

Dave Callahan, 6<sup>th</sup> Ward Councilor  
Mary Ann Coogan, Town Supervisor  
Bill Davern, 3<sup>rd</sup> Ward Councilor  
Kathy MacRae, 2<sup>nd</sup> Ward Councilor  
Roger Pisarek, 1<sup>st</sup> Ward Councilor  
Tom Price, Code Enforcement Officer  
Four others

The meeting was called to order at 7:00 p.m. by Chairman Feyl, followed by the Pledge of Allegiance.

Mr. de la Rosa made a motion to waive the reading of the public hearing notices. Mr. Borsky seconded the motion and it was unanimously approved.

**PUBLIC HEARINGS**

1. **Emerald Management Group**  
**104 Bennett Road**  
**Camillus, NY 13031**  
***Area Variance: Signage***

**TM#: 017.-05-01**

John Board, owner of Emerald Management Group, appeared to address this application for additional signage on the building. He provided an illustration of the proposed signage on the property. He explained that two of the signs are designed to provide guidance to customers on site by having the name of the business over the entrance doors to the main office, located on the south and east sides of the tower structure portion of the building. He noted that the signage being requested is smaller than what is indicated on the application, with the current dimensions being 22" high by 91" long, which is 13.9 square feet rather than the 21.25 square feet originally requested.

Chairman Feyl inquired whether the third sign would be on the face of the slanted portion of the roof, whether it would exceed the height of the roof, whether it would be internally lit, and whether the entrance signs would be lit. The applicant stated that the roof sign will be on the slanted portion of the roof but will not exceed it in height, and that the sign will be made up of individual block letters, which along with the entrance signs will not be lit and will only be visible in daylight. Chairman Feyl complimented the applicant on the building noting the architecture is impressive and the clock tower adds a good deal of aesthetic appeal.

Chairman Feyl suggested the applicant reconsider the pole sign previously approved by the Camillus Planning Board and consider a monument style structure instead. The

applicant stated that because they don't own the road front property, a pole sign is necessary for visibility at this time. He also noted that they are attempting to acquire road frontage for a monument type sign on the road corner in the future.

Mr. Borsky inquired whether there was a fence being constructed and the applicant indicated it would be a black wrought iron fence.

Chairman Feyl commented that the lighting fixtures between the garage doors seem to be throwing bright light straight out rather than being downward reflecting and inquired whether hoods would be installed on the fixtures. The applicant stated that he was unaware if the installation of those lighting fixtures was complete, but reassured the Board that it is their intent to make the building as attractive as possible, including having unobtrusive lighting.

Chairman Feyl reviewed with the applicant that the roof sign would be 198 square feet, consisting of four-foot high letters, that the signs over the entrances will be 27.8 square feet, and that the previously approved freestanding sign will be 72 square feet, requiring a 200 square foot variance.

Mr. de la Rosa remarked that he understands the applicant's desire for the visibility from Route 5 that the roof sign would give them.

Ms. Flood questioned whether there would be any directional signs installed for the benefit of those traveling within the property. The applicant stated that the pavement will have directional arrows painted onto it and, because visitors will only be allowed to enter from Southern Drive and exit onto Bennett Road, those gates will have "enter only" and "exit only" signs installed upon them.

#### Public Comment

Kathy MacRae, 2<sup>nd</sup> Ward Councilor, stated her concern over the size of the proposed roof sign, noting that the residents of this neighborhood are particularly sensitive to signage issues and she isn't comfortable with the placement of a 200 square foot sign without her first having had the opportunity to notify the residents. She also noted that feedback from the residents of the neighborhood with regard to the building itself has been positive.

Chairman Feyl clarified that the roof sign will face Route 5, not the neighborhood, and that it is comparable to existing Route 5 facing signs for the Staples and Home Depot stores. The applicant reviewed the signage depictions with Councilor MacRae to illustrate the plan to her.

Chairman Feyl closed the Public Hearing.

### **OLD BUSINESS**

1. **Timofy, Margaret**  
**222 Slawson Drive**  
**Camillus, NY 13031**  
***Special Use Permit: Home Occupation***

**TM#: 057.-02-12.0**

Chairman Feyl read into the record the following excerpt from the order and judgment of the Supreme Court of the State of New York, County of Onondaga, in the matter of Margaret Timofy, Petitioner v. Town of Camillus Zoning Board of Appeals, Respondents, dated November 17, 2006:

*“ORDERED AND ADJUDGED that the Town of Camillus Zoning Board of Appeals shall issue a Special Use Permit to the Petitioner allowing Petitioner to provide holistic health treatment services out of her residence at 222 Slawson Drive Camillus New York, in accordance with her application therefore, subject to the following condition:*

- 1. That the lighting and sidewalk improvements for the subject premises be submitted to both the Town Engineer and the Town Code Enforcement Officer for review for code compliance and safety concerns.”*

Chairman Feyl read into the record the following letter from Diane Dwire, 5<sup>th</sup> Ward Councilor, to the residents of Slawson Drive, dated November 29, 2006:

*“Dear Resident,*

*I'd like to take this opportunity to let your know that Ms. Margaret Timofy of 222 Slawson Drive filed a suit against the Town under Article 78 proceedings. The case was heard in Onondaga County Supreme Court in October. The final decision of that court was received and was in favor of the applicant.*

*Therefore, as directed by that court, the Zoning Board of Appeals will be issuing the requested Special Use Permit at their December 5, 2006 meeting. I will not attend that meeting as I have a prior commitment out of town that I am unable to reschedule.*

*Please feel free to contact me regarding this matter at the above telephone number.*

*Respectfully,*

*Diane M. Dwire  
5<sup>th</sup> Ward Councilor”*

Chairman Feyl read into the record the following letter from Diane Dwire, 5<sup>th</sup> Ward Councilor, to himself and Town Supervisor Mary Ann Coogan, dated December 4, 2006:

*“I'm sorry I am unable to be there tonight to attend the ZBA meeting. I have sent a letter to the residents on Slawson Drive advising them of the Court's ruling in the Timofy matter and of tonight's meeting.*

*I ask that as you move forward with the request for a Special Use Permit as ordered by the Onondaga County Supreme Court that you place conditions on the permit that will protect the integrity of the neighborhood and assist in maintaining its residential character.*

*I know the members of the ZBA have worked hard to protect the interest of all parties concerned and to work within the legal framework of the law. Thank you for all you diligence in this matter and others.”*

Chairman Feyl opened the floor to commentary by any of the Town Officials present.

Supervisor Mary Ann Coogan thanked the members of the Board for their work on this matter. She acknowledged that there is no requirement for the Board to allow public comment on the matter given that this is not a Public Hearing however, noting the few persons present in the audience, she requested the Board grant those individuals the privilege of speaking.

Chairman Feyl opened the floor to commentary by any members of the public present.

Rocco Pirro of 220 Slawson Drive noted that he received Councilor Dwire’s letter. He shared his opinion that the Town of Camillus should appeal the Supreme Court’s decision in this matter in an effort to protect the integrity of the Town’s zoning ordinances.

Chairman Feyl read the proposed resolution to grant a Special Use Permit into the record:

*PLEASE TAKE NOTICE, that upon the findings and determination as are set forth in the attached resolution of the Zoning Board of Appeals of the Town of Camillus, the above-referenced application for a special permit to conduct a holistic health service out of her residence as a home occupation has been GRANTED subject to the following conditions:*

- (1) That the lighting and the sidewalk improvements for the affected property be submitted to both the Town Engineers and the Town Code Enforcement Officer for review for Code compliance and safety concerns;*
- (2) The applicant will not conduct or operate her practice in excess of thirty (30) hours per week and not on Sundays;*
- (3) In conducting her practice, the applicant will service no more than five (5) clients per day;*
- (4) The applicant will engage no employees in the operation of her practice; and*
- (5) Will utilize no more than 25% of the habitable floor area of the of the dwelling unit, not exceeding 500 square feet, in conjunction with her practice.*

**WHEREAS**, *Margaret Timofy of 222 Slawson Drive, Camillus, New York 13031 filed an application seeking a special use permit pursuant to Section 403(A5) of the Code of the Town of Camillus to maintain, as a home occupation, a holistic health service at her residence at 222 Slawson Drive in the Town of Camillus; and*

**WHEREAS**, *after due notice, public hearings were held by the Board of Zoning Appeals on July 6 and August 1, 2006 at the Camillus Municipal Building, 4600 West Genesee Street, Camillus, New York; and*

**WHEREAS**, at said hearings, all those interested in said application were heard either in favor of or in opposition thereto; and

**WHEREAS**, all testimony has been carefully considered and the Board having made the following determinations and findings:

1. The applicant and her husband are the owners and residents of the subject property located at 222 Slawson Drive within the Town of Camillus.
2. The subject property is presently located in an R-3 Residential District in the Town of Camillus.
3. Slawson Drive within the Town of Camillus is a local road located within the long-established residential Brookside Park subdivision, consisting generally of one-third acre lots all developed with single-family dwellings. Slawson Drive is a heavily traveled residential road, both vehicular and pedestrian, it being uniquely positioned as the sole access road to Shove Park, a heavily utilized, year-round Town Park and recreational facility.
4. The applicant seeks to conduct a holistic health practice in her residence at 222 Slawson Drive. The practice, which is offered and advertised to the general public, involves the administering of holistic health treatments by the applicant. No employees are intended to be engaged in the practice.
5. The holistic treatments to be administered to clients exclusively consists of colon irrigation, reflexology, rain drop technique and ear candling. The colon irrigation treatment to be administered to clients involves the introduction of filtered water into the colon for the purpose of cleansing and flushing excess fecal matter and bodily waste, which is then disposed of using standard bathroom facilities. The ear candling technique is described as the use of special hollow candles in the ear which, through warmth and a natural vacuum created by the candle, drawing out excess ear wax and other materials from the ear. The reflexology treatment is described as the application of pressure on the feet and hands and the raindrop technique involves the application of essential oils to the feet and spine.
6. The applicant is a school certified practitioner of the colon irrigation, raindrop and reflexology treatment. No New York State license to practice is required. While not considered medical treatment, the colonic procedure is considered a therapy with some insurance carriers having a procedure code for it and providing coverage reimbursement for its cost.
7. The applicant has been engaged in this particular type of business for some time, having formally maintained a business and treatment office in the Village of Solvay, New York prior to purchasing her present residence at 222 Slawson Drive. The applicant is closing her Solvay office in anticipation of being able to conduct her practice out of her residence. The applicant's motivation for moving her business into her residence is one of monetary and convenience concerns. The applicant stated that as of September, 2005, she no longer has an associate to share the business expenses at her current office location in the Village of Solvay and that properly maintaining her equipment requires her to

spend a great deal of time traveling back and forth between her home and that Solvay business office.

8. The applicant anticipates working an estimated 20 to 30 hours a week, seeing roughly one (1) client per hour, which would amount to an estimated 20 to 30 clients per week or an average of three (3) to five (5) clients per day.

9. The applicant acknowledges that the Department of Health has the right to inspect her business at any time. The applicant's property at its front measures approximately 78.01 feet in width and at its rear approximately 106.99 feet. The lot is 204.40 feet in depth along its west property line and 172.39 feet along its easterly property line. The lot consists of approximately .365 acres.

10. The property is developed by a one-story masonry house with a one car garage. The house, which purports to consist of 1,504 square feet of living space, sets back 41 feet from the front property line at Slawson Drive, 9.3 feet off its west side property line and 10.2 feet off the east side property line.

11. The applicant purports to have dedicated 150 square feet plus restroom facilities in the lower level of the house for the business.

12. The applicant's client services are administered by appointment; and

**WHEREAS**, the Board having previously, by resolution dated August 7, 2006, denied the present application, and said denial, upon an Article 78 review, having been annulled by the Decision of the Supreme Court, Onondaga County dated November 1, 2006 and the Court's Judgment dated November, 2006 and directing that the Board issue a special use permit to the applicant for the home occupation identified herein,

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Appeals of the Town of Camillus, upon the facts and determinations set forth above and upon the Decision and Judgment of the Supreme Court, Onondaga County dated November, 2006, that the application herein for a special use permit is hereby GRANTED subject to the following conditions:

(1) That the lighting and the sidewalk improvements for the affected property be submitted to both the Town Engineers and the Town Code Enforcement Officer for review for Code compliance and safety concerns;

(2) The applicant will not conduct or operate her practice in excess of thirty (30) hours per week and not on Sundays;

(3) In conducting her practice, the applicant will service no more than five (5) clients per day;

(4) The applicant will engage no employees in the operation of her practice; and

(5) Will utilize no more than 25% of the habitable floor area of the of the dwelling unit, not exceeding 500 square feet, in conjunction with her practice.

Mr. Burke requested the first sentence of Findings & Determinations item #5 be changed to state "*The holistic treatments to be administered to clients be limited to...*". Chairman Feyl asked Mr. Carr for his input on this request and he indicated that there is no problem with the requested change as the item #5 is merely meant to be a definition of the services offered.

Mr. Burke requested that the second sentence of Findings & Determinations item #10 be extended to read "*yet despite a 5.5 foot deficiency in total side yard setback this is a legally non-conforming property.*" Chairman Feyl asked Mr. Carr for his input on this request and he indicated that the requested statement is irrelevant to the application being considered, but that it may be added if the Board desires. Chairman Feyl asked the remaining members of the Board whether they felt the requested change was necessary. None were in favor of it.

Mr. Belle inquired whether condition #2 could be changed to also include Saturday as a day when the applicant may not conduct business. Chairman Feyl reminded Mr. Belle that the Board is not at liberty to add to or remove from he previously agreed upon and court mandated conditions of the Special Use Permit.

Mr. Borsky questioned whether it was necessary to include verbiage that the Special Use Permit would be removed should Mrs. Timofy vacate the 222 Slawson Drive location. Chairman Feyl stated that the Special Use Permit is issued to the individual rather than the property, so no such wording is necessary.

Chairman Feyl moved the resolution and asked if all members were in favor. The Board unanimously approved the issuance of the Special Use Permit subject to the terms and conditions stated.

## **NEW BUSINESS**

### **Applications:**

None

### **Minutes of the Previous Meeting:**

Mr. Burke requested the remarks of applicant Art Kanerviko of Kandon, LLC, related to the property located at 5310 West Genesee Street, be edited to remove the word "square" from the 2<sup>nd</sup> sentence of the 3<sup>rd</sup> paragraph and replace it with the word "linear". As that does not reflect the applicant's original statement, the sentence was instead changed to read "Mr. Kanerviko calculated that would allow tenants approximately  $\frac{3}{4}$  foot fo signage for every foot (linear) of store frontage..." in order to satisfy Mr. Burke's original request.

Mr. Burke also requested his original motion to grant the requested variance to Kandon, LLC related to the property located at 5310 West Genesee Street be edited in the minutes to now read as follows: "Mr. Burke moved to grant a variance to allow a 74 square foot monument structure to be erected..."

Mr. de la Rosa moved to approve the minutes of the November 9, 2006 meeting as amended. Ms. Flood seconded the motion and it was unanimously approved.

**Vouchers:**

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

A voucher was received from Eagle Newspapers for advertising fees totaling \$22.23.

A voucher was received from the New York Planning Federation for 2007 membership fees totaling \$75.00.

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

**Correspondence:**

Mr. Belle submitted a letter to the Board requesting reappointment to the ZBA for another five-year term.

**DISCUSSION**

Chairman Feyl reminded the Board that starting in 2007, the ZBA will meet on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month with some exceptions. The proposed meeting dates are as follows: January 2 & 16, February 6 & 20, March 6 & 20, April 5 & 17, May 1 & 15, June 5 & 19, July 3 & 17, August 7 & 21, September 4 & 18, October 2 & 16, November 8 & 20, and December 6 & 18. The Board was in receipt of the dates and in agreement on them.

Chairman Feyl announced that, sadly, Board member Joe Kilburg has submitted his resignation from the ZBA effective 12/31/06. He stated that the Town Board's recommended candidate for Mr. Kilburg's replacement is Tom Dugan, who would fill the position effective January 1. Chairman Feyl stated that he feels Mr. Dugan is an excellent choice and he will be an attribute to the Board. Ms. Flood added that, since his retirement as 6<sup>th</sup> Ward Councilor, Mr. Dugan has maintained constant participation and involvement in Town government matters so he is well informed and she looks forward to working with him.

Chairman Feyl moved to recommend the appointment of Ron Belle whose term with the Board expires on December 31, 2006, to another five-year term with the Board. Ms. Flood seconded the motion and it was unanimously approved.

Mr. de la Rosa moved to recommend that Mr. Feyl be appointed as Chairman for the year 2007. Mr. Belle seconded the motion and it was unanimously approved.

Mr. Belle moved to recommend that Ms. Flood be appointed as Vice-Chairperson for the year 2007. Mr. de la Rosa seconded the motion and it was unanimously approved.

Mr. Burke moved to recommend Ron Carr of Melvin & Melvin, PLLC as Zoning Board of Appeals Attorney for the year 2007. Mr. de la Rosa seconded the motion and it was unanimously approved.

Chairman Feyl moved to recommend the appointment of Krista Kenna as Zoning Board of Appeals Clerk for the year 2007. The motion was unanimously seconded and approved.

Chairman Feyl noted that all of the previous recommendations would be submitted to the Town Board for final approval.

## **DECISIONS**

1. **Emerald Management Group**  
**104 Bennett Road**  
**Camillus, NY 13031**  
***Area Variance: Signage***

**TM#: 017.-05-01**

Chairman Feyl noted that the applicant requires a variance of approximately 228 square feet to accommodate the approximately 200 square foot roof sign and two entrance signs totaling 28 square feet.

Mr. Burke questioned why the applicant requires a roof sign the size that is being proposed. Chairman Feyl noted that the sign being requested is not altogether different in size from the ones that currently exist at Staples and Home Depot.

Mr. de la Rosa commented that he'd rather have the sign large enough to be picked up at a glance by drivers rather than one that necessitates slowing down in order to read it. Ms. Flood and Mr. Belle concurred with Mr. de la Rosa's opinion.

Ms. Flood noted that she parked in the lot facing the facility's management office and confirmed that the approximately 15-foot incline coming down from Milton Avenue necessitates a tall style freestanding sign in order to gain visibility for the business.

Mr. Burke stated that Southern Container's monument style sign is hidden due to snow accumulation in winter months so he agrees that a pole style freestanding sign is preferable for this property. Chairman Feyl agreed and stated that he merely wishes to avoid a lollipop style sign being installed, and so encouraged the applicant to consider something more aesthetically pleasing, such as an elevated sign on brick posts.

Mr. de la Rosa moved to grant an area variance allowing the three proposed additional signs to be placed on the property, with the telephone number sign to face Route 5, and with total signage not to exceed 300 square feet. Ms Flood seconded the motion and it was unanimously approved.

## **COMMENTS OF THE BOARD**

Mr. Belle thanked the Board for their support with regard to his reappointment to the Board for another term.

Mr. Burke brought to the Board's attention an article in the Town Topics magazine related to a ZBA case from Islip, NY.

## **ADJOURNMENT:**

Mr. de la Rosa made a motion to adjourn the meeting at 8:15 p.m. Mr. Borsky seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon, Clerk  
Zoning Board of Appeals

A

Albiker, Fritz  
Special Use Permit-Construct Building, 44, 50, 60  
Allied Sign. *See* Loeffler Beauty Systems

B

Bennett Road #104  
Area Variance-Signage, 97, 99, 107  
Bennett Road #153  
Special Use Permit-Home Occupation, 59, 74, 80  
Bianchi, Anthony  
Area Variance-One Family Home & Garage, 34, 41, 46  
Boxcar Lane #3996  
Special Use Permit-Billboards, 3, 9  
Breed Road #6000  
Area Variance-Windmill, 17, 20, 29, 36  
Buza, Steven W. Jr.  
Area Variance-Reduce Side Yard Setback, 91, 94, 98

C

Cam's Pizzeria  
Area Variance-Signage, 42, 47, 70, 79  
Canal Road #2555  
Area Variance-Accessory Structure, 27, 32, 37  
Caryl, William  
Area Variance-Signage, 83, 89, 93  
Chapel Drive #303  
Special Use Permit-Home Occupation, 34, 39, 45  
Chatfield, Olena  
Special Use Permit-Home Occupation, 18, 25, 31, 38, 45

D

Dean, John & Theresa  
Area Variance-Reduce Side Yard Setback, 91, 94, 98  
Decker, Gary  
Special Use Permit-Home Occupation, 77, 82, 88  
Demmons, Ann  
Area Variance-Carport, 77, 82, 87, 92  
Denny's Restaurant  
Area Variance-Signage, 77, 82, 84  
Design Shop Signs  
Area Variance-Signage, 83, 89, 93  
Devoe Road #5882  
Amended Special Use Permit-Generator on Site, 2, 12, 16  
Drake, Matt  
Area Variance-Accessory Structure, 33, 37

E

Emerald Management Group  
Area Variance-Signage, 97, 99, 107

F

Fairmount Free Methodist Church  
Special Use Permit-Parking Lot Expansion, 77, 81, 88, 94  
Fireside Lane #148  
Area Variance-Pool, 43, 52, 61  
Area Variance-Shed, 43, 52, 61  
Forsythe Street #203  
Area Variance-Reduce Side Yard Setback, 91, 94, 98  
Forward Road  
Special Use Permit-Ropes Course, 18, 26, 32, 39, 59, 69, 85, 92

G

Gambale, Ganine  
Area Variance-Pool, 43, 52, 61  
Area Variance-Shed, 43, 52, 61  
Griffo, Alan  
Area Variance-Shed, 35, 42, 46

H

Hinsdale Hills, Lot #13  
Area Variance-New Residence, 83, 88, 92

K

Kandon, LLC  
Area Variance-Signage, 95, 96, 98  
Kasson Road #112  
Area Variance-Signage, 42, 47, 70, 79  
Kather, Sandra  
Area Variance-Home Addition, 44, 51, 60

L

Lamar Advertising  
Special Use Permit-Billboards, 2, 3, 9, 10, 13  
Limeledge Road #5047  
Area Variance-Accessory Structure, 33, 37  
Linenhall Street #214  
Area Variance-Home in Rear Setback, 89, 93  
Loeffler Beauty Systems  
Area Variance-Signage, 4, 11, 14

M

Melrose Avenue #113  
Area Variance-Enclosed Porch, 44, 58, 62, 78  
Mersfelder  
Area Variance-Front Stoop, 59, 74, 81, 86  
Milton Avenue #3688  
Special Use Permit-Billboards, 2, 10, 13

N

Newport Road #6444  
Special Use Permit-2nd Story Addition, 60, 76, 81, 87  
North Way #137  
Area Variance-Shed, 35, 40, 45  
Northwood Way #135  
Area Variance-Enclosed Porch, 44, 57, 61

O

Onondaga Road #804  
Special Use Permit-Parking Lot Expansion, 77, 81, 88, 94  
Oreste Street #1003  
Area Variance-Front Stoop, 59, 74, 81, 86

P

Palmer, Reggie  
Special Use Permit-Vehicle Dismantler, 2, 7, 13  
Pioneer Camillus Developments, LLC  
Area Variance-Home in Rear Setback, 89, 93  
Pirro, Steve  
Area Variance-Home Addition, 18, 24, 28  
Powers, John  
Special Use Permit-Ropes Course, 18, 26, 32, 39, 59, 69,  
85, 92

Q

Quality Quick Signs  
Area Variance-Signage, 59, 73, 79

R

Rinaldo, Raymond  
Area Variance-Accessory Structure, 27, 32, 37  
Rosati, Lou  
Area Variance-Windmill, 17, 20, 29, 36  
Ruby Road #3203  
Special Use Permit-Vehicle Dismantler, 2, 7, 13  
Ryan Homes  
Area Variance-Signage, 59, 73, 79

S

Sanderson Drive #107  
Area Variance-Home Addition, 44, 51, 60  
Schanzle, George & Pat  
Area Variance-Shed, 35, 40, 45  
Schibeci, Jeanne  
Special Use Permit-Home Occupation, 34, 39, 45  
Shire Way #151  
Area Variance-Signage, 59, 73, 79  
Slawson Drive #222  
Special Use Permit-Home Occupation, 44, 53, 63, 78, 100  
Smith, Robert  
Area Variance-New House, 35, 41, 46

Sprint. *See* Syracuse Utilities  
Stonehedge Road #207  
Special Use Permit-Home Occupation, 18, 25, 31, 38, 45  
Swanson, Charles & Joan  
Area Variance-Enclosed Porch, 44, 57, 61  
Syracuse Utilities  
Amended Special Use Permit-Generator on Site, 2, 12, 16

T

Tim Tucker  
Area Variance-New Residence, 88, 92  
Timofy, Margaret  
Special Use Permit-Home Occupation, 44, 53, 63, 78, 100  
Tucker, Tim  
Area Variance-New Residence, 83

U

Uczen, Christopher  
Special Use Permit-Accessory Structure, 18, 24, 28

V

Van Alstine Road #6139  
Special Use Permit-Accessory Structure, 18, 24, 28  
Van Buren Road #6429  
Special Use Permit-Construct Building, 44, 50, 60  
Van Buren Road #6619  
Area Variance-New House, 35, 41, 46  
Vanida Drive #214  
Area Variance-Home Addition, 18, 24, 28  
Vasilev, Alexandar  
Special Use Permit-Home Occupation, 59, 74, 80

W

Waldby, Donald  
Area Variance-Enclosed Porch, 44, 58, 62, 78  
Warners Fire Department  
Special Use Permit-2nd Story Addition, 60, 76, 81, 87  
Warners Road  
Area Variance-One Family Home & Garage, 34, 41, 46  
Weiss, M.V.  
Area Variance-Front Stoop, 59, 74, 81, 86  
West Genesee Street #3504  
Area Variance-Signage, 4, 11, 14  
West Genesee Street #4704  
Special Use Permit-Home Occupation, 77, 82, 88  
West Genesee Street #4938 to #4950  
Special Use Permit-Billboards, 3, 10, 13  
West Genesee Street #5102  
Area Variance-Signage, 83, 89, 93  
West Genesee Street #5302-#5304  
Area Variance-Signage, 95, 98  
West Genesee Street #5310  
Area Variance-Signage, 96, 98  
West Genesee Street #5315

Area Variance-Signage, 77, 82, 84  
Westfall Street #304  
Area Variance-Carport, 77, 82, 87, 92

Wynnfield Drive #103  
Area Variance-Shed, 35, 42, 46