TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
February 7, 2017 – 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Rich de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

ABSENT:
None

STAFF PRESENT:
Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:
Tom Price, Code Enforcement Officer
Joy Flood, 3rd Ward Councilwoman
One other

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

PUBLIC HEARING:

1. Allen Industries, Inc. **TM#: 047.-04-16.1**
Panda Express
3604 West Genesee Street
Syracuse, New York 13219

Variances: to allow a 144 sq. ft. sign depicting a panda head in the interior of the building

Ms. Cristina Caceres from Kassis Sign Company appeared before the Board representing Allen Industries, Inc. and Panda Express, to discuss the application for an area variance to allow a 144 square foot sign depicting a panda head in the interior of the building.

Ms. Caceres explained that her client Allen Industries, Inc. stated when they first started this project they tried to ensure all the requirements were meet and between miscommunication with the Town of Camillus Code Enforcement Office, the panda head was placed in the interior of the building.

Ms. Caceres stated that panda head in the interior window of the buildings is standard at most of the Panda Express locations and would like to keep the company trademark and signage the same.

Ms. Caceres also explained that Allen Industries, Inc. believes they were very accommodating to previous sign restrictions and requirements set forth and believe they have done their part in working with the Town of Camillus to meet signage requirements.

Ms. Otto questioned ownership of the property and requested a copy of the deed, as the ownership of the property has changed. Ms. Caceres stated that she did not have anything other than what was submitted to the Town of Camillus Code office. Ms. Caceres provided a letter of authorization from the new owner and a copy of part of the lease agreement.

Ms. Otto questioned the total square footage of signage on the property, excluding the panda face signage located inside the building. Ms. Caceres stated that the signage in the front of the building was 36 sq. ft. with the monument sign measuring 30 sq. ft. and questioned if the drive-thru signage would be counted and needed as well.

Ms. Otto explained that the Camillus Code has been amended which means that the requirements have changed, per subdivision 2 Sec. 809 (a). Ms. Otto further explained that the amount of allowable signage is inclusive of all permanent signage and that what is visible from the exterior is included even though some of the signage is located within the interior of the building.

Mr. Tom Price, Town of Camillus Code Enforcement Officer stated that the provisions used to include mounted signage and free standing signs not to exceed 100 sq. ft. in total; however, the code does read differently now and the requirements have changed.

Chairman Feyl stated that in his opinion, what the applicant received at the last meeting was fair and the board did compromise with granting a variance at that time. Chairman Feyl stated that the panda mural in the window was never presented to the Board or even shown in any of the documents presented for review.

Mr. de la Rosa stated that, in his opinion, this request is for a very large variance.

Chairman Feyl reminded the applicant and the Board that if a variance is granted, the variance goes with the land and, in his opinion, is then creating a difficult situation.

Chairman Feyl also stated that the Camillus Code Enforcement Office cited Allen Industries, Inc. and Panda Express for displaying the panda mural signage without approval. Chairman Feyl stated that he has major issues and concerns with this request.

Mr. Walsh questioned if it was just the image itself with no lettering. Ms. Caseres confirmed that it was just the image and no lettering.

Ms. Otto asked Ms. Caseres whether the panda mural was put up in a fashion that it can be peeled off or removed easily. Ms. Caseres stated she believes it is just vinyl; however, could not say as she did not put it up.

Ms. Joy Flood, 3rd Ward Councilwoman stated that while she defers to the Board, she personally does not feel the panda is needed. Ms. Flood stated that in her opinion everyone knows where Panda Express is located and pointed out that there are several other panda images used within their signage at this location.

Ms. Flood stated that she is not in favor of this request and has concerns for the surrounding neighbors and businesses. Ms. Flood stated that she feels if Aspen Dental was not allowed to have vinyl signage in their windows, that Panda Express should not be allowed to do so and feels it would start an ongoing request for additional signage.

Mr. Price stated that there was miscommunication from the beginning between himself and Allen Industries, Inc. and Panda Express. Mr. Price stated that Allen Industries, Inc. and Panda Express did ask to place half the panda face in the interior of the window, to which he agreed; however, he was not shown the entire panda sign. Mr. Price explained that he had agreed because what he was shown appeared more abstract. Mr. Price was shocked to see the entire panda face in the window.

Ms. Caceres questioned why Aspen Dental was allowed to have vinyl in their windows and why they are not allowed to leave the Panda in the window.

Chairman Feyl stated he cannot speak to other applications and feels this Board does work with businesses to make compromises and considerations. Mr. Pirro stated the Board and Town have done a good job removing unauthorized signs and have made applicants remove unauthorized signage.

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

2. Preventative Medicine Associates **TM#: 065.-04-07.2**
5415-A West Genesee Street
Camillus, New York 13031

Area Variance: Solar Panels encroach on front and side yards

After a brief discussion among the Board, Ms. Otto and Mr. Price, Ms. Otto explained that the applicant stated new drawings would be submitted which eliminate the need for side yard variances and even one of the front yard variances. Ms. Otto stated that the applicant was made aware that a new application would need to be submitted.

Ms. Otto stated that without reviewing the new drawings and Mr. Price's referral, the Board would not be able to act on this application.

Mr. de la Rosa motioned to dismiss this application without prejudice. Mr. Walsh seconded the motion and it was unanimously approved.

NEW BUSINESS:
None

Minutes:
Mr. de la Rosa moved to approve the minutes of December 6, 2016 meeting. Mr. Pirro seconded the motion and it was unanimously approved.

VOUCHERS:
A detailed voucher was received from Melvin & Melvin for legal services totaling $645.00.

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

COMMENTS OF THE BOARD:
None
CORRESPONDENCE:
None

OLD BUSINESS:
None

DECISIONS:

1. Allen Industries, Inc. **TM#: 047.-04-16.1**
Panda Express
3604 West Genesee Street
Syracuse, New York 13219

Variances: to allow for a 144 sq. ft. sign depicting a panda head in the interior of the building

Mr. de la Rosa motioned to allow a 144 sq. ft. sign depicting a panda face logo in the interior of the building. Mr. Walsh seconded the motion.

The Board was polled, which resulted as follows:

Richard de la Rosa	Voting	NO
Steve Pirro	Voting	NO
Robert Feyl	Voting	NO
Chris Landsley	Voting	NO
Alex Walsh	Voting	NO

Motion DENIED.

Mr. Pirro motioned to grant a variance to allow the second half of the mural in the interior of the building which faces the east side. Mr. de la Rosa seconded the motion.

The Board was polled, which resulted as follows:

Richard de la Rosa	Voting	NO
Steve Pirro	Voting	NO
Robert Feyl	Voting	NO
Chris Landsley	Voting	NO
Alex Walsh	Voting	NO

Motion DENIED.

ADJOURNMENT:

Mr. de la Rosa moved to adjourn the meeting at 7:37 p.m. Mr. Pirro seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, ZBA Clerk

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
March 7, 2017 – 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Rich de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

STAFF PRESENT:
Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:
Three others

ABSENT:
None

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

PUBLIC HEARING:

1. Kathleen Oot Quinn **TM#: 066.-01-15.1**
203 ½ Broadmoor Drive
Camillus, New York 13031

Variances: to allow a 36' x 26' detached garage approximately 120' in front of the rear line of the house

Mr. Mark De Angelis, owner of Mark Anthony Homes appeared before the Board representing Ms. Quinn.

Mr. De Angelis stated that he is representing Ms. Quinn and will be building her home that was recently purchased within the past year and began starting this project in October of 2016.

Mr. De Angelis explained that when he obtained the building permit from the Town of Camillus Code Enforcement office, he did not think that there was going to be any issues with setbacks as the size of the property is approximately 68 acres in total.

Mr. De Angelis stated that the drawings provided to the Camillus Code Enforcement office at the time of obtaining the building permit, did not show the detached garage and according to the Town of Camillus code, the detached garage is in front of the house and in violation.

Mr. De Angelis explained that upon Ms. Quinn finalizing her plans, the garage detail and location were in violation. Mr. De Angelis explained that when he realized that they were in violation, the foundation had already been put in.

Mr. DeAngelis stated that the detached garage will be a three car garage that will be used to store the owner's vehicles.

Chairman Feyl explained that the request is due to how the Town of Camillus Code is written and if this was placed within a regular neighborhood that this would be an issue.

Mr. De Angelis explained that 99 % of his homes are attached garages and did not think this would have been an issue. Mr. De Angelis explained that the location of the detached garage was chosen as Ms. Quinn has septic in the backyard and that his client wanted the garage across from her house and asked for this specific placement.

Mr. De Angelis stated that they stopped construction as Mr. Tim O'Neill had asked them to do so. Mr. De Angelis explained that is why he is in front of the Board this evening seeking a variance for the detached garage.

Mr. de la Rosa questioned if placement would interfere with the natural ponds that are located on the property. Mr. De Angelis stated that they would not interfere as they took everything into consideration with placement of the house and detached garage. Ms. Quinn specifically wanted the proposed placement as indicated in the drawings provided to the Board.

Ms. Otto questioned any buffering. Mr. De Angelis stated explained that the house was over 100' away from the road with trees as a buffer between the house and road.

Mr. De Angelis stated that Ms. Quinn found the perfect piece of property for the perfect owner and will be putting in a large amount of money into this project with no plans of selling or moving any time soon.

Mr. Pirro questioned if Ms. Quinn had any plans for lighting back there. Mr. De Angelis stated she will only be using low level lighting.

Mr. de la Rosa moved to close the public hearing. Mr. Walsh seconded the motion and it was unanimously approved.

2. Preventative Medicine Associates **TM#: 065.-04-07.2**
5415-A West Genesee Street
Camillus, New York 13031

Area Variance: for a variance from the requirements of Section 602(D) of the Code of the Town of Camillus to allow a 94.72 kW solar carport in the front yard of 5415 West Genesee Street, Camillus, New York 13031

Mr. Michael Johnson, Regional Sales Manager of Alternative Power Solutions appeared in front of the Board representing Preventative Medicine Associate's, LLC. Mr. Johnson stated that he was here this evening to explain the need for an area variance to allow a solar carport be placed within the front yard of the property.

Mr. Johnson stated the proposed property is 1.33 acres. Mr. Johnson referred to the maps provided to the Board while discussing the request for an area variance. Mr. Johnson stated

hat they are concerned about the northernmost structure that it is within the front yard setback and would be within the 35' set back and would be approximately 6'4" from the front yard property line would be the only variance they are seeking.

Mr. Johnson stated it would be a carport with overhead approximately 82' long east to west and about 25' north to south, supported by structural galvanized steel, 30" sonotubes that protrude from the ground approximately 24". With posts 20'-27' apart with the lowest point of the carport being 14' high.

Mr. Johnson stated that the only improvements on this property would be placement of the carport with solar panels. The proposed northern carport would hold 100 solar panels, 77" long by 39.5" wide by 1.6" thick for each solar panel.

Chairman Feyl questioned the adverse effect the sonotubes would have on the parking spaces. Mr. Johnson stated that it would not have any adverse effect as they would be the same as Walmart has and any other parking lot with sonotubes. Mr. Johnson stated that they are far enough apart where the parking would not be impacted. Mr. Johnson stated that there would be four posts used and will have no effect on the parking of vehicles.

Mr. Johnson stated that the solar panels are for production, not parking and will be used to offset all electricity used by the property. Mr. Johnson stated that the power obtained from the solar panels will not be used by anyone else and will be staying on site for onsite consumption.

Mr. Johnson stated that without the northern carport structure that his client would not be able to produce all the power they use and would diminish the production level, leaving his client having to still pay 40% of their power to National Grid.

Mr. Johnson stated that he did review and explore all options but this was the best solution for his client. Stating this will be a great project to see and will be the first in the area.

Mr. Johnson also stated that the carport has a structural gutter system and further explained its function of proper drainage.

Chairman Feyl questioned buffering and drainage of the carport on the northern side. Mr. Johnson provided explanation of the carport drainage with relation to the buffering.

Chairman Feyl questioned ownership of the buffering. Mr. Johnson stated he could not speak to ownership of the trees. Mr. Johnson stated that the drainage would not run off onto the trees nor cause any damage.

Chairman Feyl, the Board, Ms. Otto and Mr. Johnson had a brief discussion regarding the site map provided.

Mr. Pirro questioned compliance specifications being met for emergency services. Mr. Johnson stated they they are DOT compliant and that all emergency services could clear the carport as it is 14' in height from the lowest point.

Mr. Johnson asked for the Board's consideration as he feels they have exhausted all possible options for placement of the solar carport.

Mr. Pirro questioned lighting that would be used. Mr. Johnson stated that solar LED lighting will be used and explained that this structure from the road will not be an eyesore, feels it is a great technology and a better way to utilize space and energy more efficiently by use of green technology.

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

NEW BUSINESS:
None

Minutes:
Mr. de la Rosa moved to approve the minutes of February 7, 2017 meeting. Mr. Walsh seconded the motion and it was unanimously approved.

VOUCHERS:
A detailed voucher was received from Melvin & Melvin for legal services totaling $870.00.

A voucher was received from Syracuse Media for legal advertising totaling $59.54.

Mr. Walsh moved to approve payment of the vouchers. Ms. Lansley seconded the motion and it was unanimously approved.

COMMENTS OF THE BOARD:
Chairman Feyl thanked the Zoning Board members for attending the most recent Onondaga County Federation 2017 Symposium.

CORRESPONDENCE:
None

OLD BUSINESS:
None

DECISIONS:

1. **Kathleen Oot Quinn** **TM#: 066.-01-15.1**
   203 ½ Broadmoor Drive
   Camillus, New York 13031

Variances: to allow a 36' x 26' detached garage approximately 120' in front of the rear line of the house

Mr. de la Rosa moved to approve a 36’ x 26’ detached garage approximately 120’ in front of the rear of the line of the house. Mr. Pirro seconded the motion and it was unanimously approved.

2. Preventative Medicine Associates **TM#: 065.-04-07.2**
5415-A West Genesee Street
Camillus, New York 13031

Area Variance: for a variance from the requirements of Section 602(D) of the Code of the Town of Camillus to allow a 94.72 kW solar carport in the front yard of 5415 West Genesee Street, Camillus, New York 13031.

Mr. Pirro moved to allow a 28' 8'' variance to allow an approximately 82'-1 5/15" x 25' – 47/16" solar carport in the front yard of 5415 West Genesee Street, Camillus, New York 13031. Mr. de la Rosa seconded the motion and it was unanimously approved.

ADJOURNMENT:

Mr. de la Rosa moved to adjourn the meeting at 7:45 p.m. Mr. Walsh seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, ZBA Clerk

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
April 4, 2017 – 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Rich de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

ABSENT:
None

STAFF PRESENT:
Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:
Three others
Steve James, 4th Ward Councilor
Dave Callahan, 6th Ward Councilor

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

PUBLIC HEARING:

1. Church of the Holy Family **TM#: 056.-04-01.0**
127 Chapel Drive
Syracuse, New York 13219

Variances: Two variances to accommodate the installation of a 5'-0" x 14'-8" vestibule onto the front of the Parish Office Building.

Mr. Pirro moved to declare the application a SEQR Type II and set the public hearing for April 4, 2017. Ms. Lansley seconded the motion and it was unanimously approved.

Chairman Feyl asked that the applicant refer to the Hearing Guide when addressing the Board and answering questions.

Mr. Keith Berger from Teitsch-Kent-Fay Architects, representing Church of the Holy Family appeared before the Board.

Mr. Berger explained that the purpose of this request is to install a small working vestibule. Mr. Berger stated that they are doing a renovation inside and in doing so will be adding a small piece to the front of the building to separate the two programs, the daily mass chapel and the office interior. Mr. Berger explained that the vestibule would serve as a separation of the two entrances and provide protection to the people from the elements and bad weather.

Mr. Berger stated that the façade will consist of brick and EIFS materials and would match the existing overhang. Mr. Berger stated the vestibule would be 14.8' wide and 5' deep, bringing them 5' over what currently exists.

Mr. Berger explained that the proposed vestibule is within the aesthetics of what is already there and that there is no adverse effect on any of the surrounding neighbors.

Dave Callahan, 6th Ward Councilor spoke in favor of the application, explaining that this small addition will make a tremendous difference to people who use this space in off hours and asked for the Board's consideration to approve this application.

Steve James, 4th Ward Councilor stated that he has reviewed the application and supports this project.

Reverend John D. Manno, Pastor of Church of the Holy Family, stated that, if approved, the vestibule will aesthetically give a nice warm welcoming atmosphere. Reverend Manno gave his full support of this project and thanked the Board for its consideration.

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

NEW BUSINESS:

1. Steve and Tracy Lauer **TM#: 017.-02-16.0**
167 Bennett Road
Camillus, New York 13031

Variances: To allow a 30' x 24' addition to the back of the house, 20' 1" from the property line.

Mr. Pirro moved to declare the application a SEQR Type II and set the public hearing for May 2, 2017. Mr. Walsh seconded the motion and it was unanimously approved.

MINUTES:

Mr. de la Rosa moved to approve the minutes of March 7, 2017 meeting. Mr. Ms. Lansley seconded the motion and it was unanimously approved.

VOUCHERS:

A voucher was received from Syracuse Media for legal advertising totaling $59.54.

Mr. Walsh moved to approve payment of the vouchers. Ms. Lansley seconded the motion and it was unanimously approved.

COMMENTS OF THE BOARD:

None

CORRESPONDENCE:

None

OLD BUSINESS:
None

DECISIONS:

1. Church of the Holy Family **TM#: 056.-04-01.0**
127 Chapel Drive
Syracuse, New York 13219

Variances: Two variances to accommodate the installation of a 5'-0" x 14'-8" vestibule onto the front of the Parish Office Building.

Chairman Feyl and the Board conducted the SEQR review.

Mr. Pirro moved to grant a 5' variance from the requirements of Section 1101(A) of the Code to allow the vestibule given that it would enlarge the nonconformity of the building. Mr. Walsh seconded the motion and it was unanimously approved.

Mr. Pirro moved to grant a variance of approximately 10 feet from the front yard setback requirements of Section 602(B) of the Code, to allow the reduction of the front yard by approximately 10'. Ms. Lansley seconded the motion and it was unanimously approved.

ADJOURNMENT:
Mr. de la Rosa moved to adjourn the meeting at 7:15 p.m. Ms. Lansley seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, ZBA Clerk

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
May 2, 2017 – 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Rich de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

STAFF PRESENT:
Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:
Five others
Joy Flood, 3rd Ward Councilor

ABSENT:
None

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

PUBLIC HEARING:

1. Steve and Tracy Lauer **TM#: 017.-02-16.0**
167 Bennett Road
Camillus, New York 13031

Variances: To allow a 30' x 24' addition to the back of the house, 20' 1" from the property line.

Chairman Feyl asked that the applicant refer to the hearing guide while addressing the Board.

Ms. Tracy Lauer appeared before the Board to discuss their application for a variance to allow a 30' x 24' addition. Ms. Lauer explained that she and her husband Steve are sole owners of the property located at 167 Bennett Road. They have owned the home for about 5 years. Ms. Lauer stated the home was built in 1850 and sits on approximately 1.3 acres of land. Ms. Lauer explained it was a two family home. Her family moved into it in January, and she and her husband desire to make it a one family home for their personal use.

Ms. Lauer explained that their intention is to add a family room, a mudroom area and a 2 ½ car garage, basically squaring off the home and adding a garage.

Chairman Feyl questioned the depth of the current existing rear yard. Ms. Lauer stated that the depth was approximately 66.7" from the rear of the home and she wanted to extend into the rear yard setback by 19' 11" for the garage. Ms. Lauer explained that the location for the garage was selected because of where the driveway is currently located and for the flow of the home. Ms. Lauer explained that turning this home into a single family home with access to the mudroom from the garage and then into to kitchen was why it was selected.

Ms. Lauer stated that the buffering should not be an issue for anyone. The neighboring homes are located much lower, as they have a significant grade change of land, and therefore the neighbors to the rear will see no difference from what they are seeing today. Also, there is a tree line that currently exists, providing buffering, and that she and her husband will not be installing lighting that side of the garage.

Mr. de la Rosa questioned if the project has already started. Ms. Lauer confirmed the project has been started. Chairman Feyl questioned if anyone spoke to the surrounding neighbors and if they were aware of what was transpiring. Ms. Lauer explained that she did not ask for permission or support, however, she did apologize to one of the neighbors for the mess the addition has created. The neighbor did not indicate having any issues with the addition and expressed how nice it was looking.

Chairman Feyl stated that he received a call from Mr. LaFlair, 2nd Ward Councilor, apologizing that he could not be at the meeting this evening, advising that he has no issues with the modifications the applicant would like to make to the property, and asking for the Board's support in approving this application.

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

2. John Szczech **TM#: 046.-06-07.2**
Frederick and Linda Zimmerman
317 Myron Road
Syracuse, New York 13219

Variances: (1) Construction of new single family home, with a 7' east side yard and a 7' west side yard, requiring an 11' variance. (2) Home will be located 25' back from the front yard with steps to be 21' back, therefore, requiring a 4' variance.

Chairman Feyl asked that the applicant refer to the hearing guide while addressing the Board.

Mr. John Szczech appeared before the Board representing Mr. and Mrs. Zimmerman, who were also present. Mr. Szczech explained that his interest in the subject property is that he would be building the home for the Zimmerman's. Mr. Szczech stated that the subject property is 50' x 125', the property slopes from the front to the back, and is bordered on two sides by homes.

Mr. Szczech explained that he is looking to build a one car garage home with two bedrooms. Mr. Szczech stated the home will fit the character of the neighborhood. Mr. Szczech stated the home will be 36' wide and 55' deep, and will have a small 10' x 10' deck on the back with a 14' total side yard.

Mr. Szczech stated that the front yard setbacks of the two adjoining properties are 25' and 20'. One has a chain link fence which the owner is allowing them to remove and put back once the grading has been blended into their property, preventing any type of swale.

Mr. Szczech explained that the home cannot be built without the variance as the property requires a 40' rear yard setback and that the side yard total would also requires a variance.

Ms. Flood, 3rd Ward Councilor stated that she is in favor of this request and has no issues with this application. Ms. Flood confirmed with Mr. Szczech that he will put back the fence or repair what is in need.
Mr. Pirro questioned if building this home would create an issue in the rear lot. Mr. Szczech stated that doing so would not create anything more than what they are currently used to seeing. Mr. Szczech explained that the water currently goes there and will continue to do so.

Ms. Flood questioned if this was in the flood plain. Mr. Szczech stated that he will do what he needs to do so it will not be within the flood plain or elevation.

Mr. de la Rosa moved to close the public hearing. Ms. Lansley seconded the motion and it was unanimously approved.

NEW BUSINESS:
None

MINUTES:
Mr. Walsh moved to approve the minutes of March 7, 2017 meeting. Mr. Pirro seconded the motion and it was unanimously approved.

VOUCHERS:
A voucher was received from Syracuse Media for legal advertising totaling $44.84 and $73.98.

A detailed voucher was received from Melvin & Melvin for legal services totaling $1,380.00.

Mr. Pirro moved to approve payment of the vouchers. Ms. Lansley seconded the motion and it was unanimously approved.

COMMENTS OF THE BOARD:
None

CORRESPONDENCE:
None

OLD BUSINESS:
None

DECISIONS:

1. **Steve and Tracy Lauer** **TM#: 017.-02-16.0**
   167 Bennett Road
   Camillus, New York 13031

Variances: To allow a 30' x 24' addition to the back of the house, 20' 1" from the property line.
Chairman Feyl and the Board conducted the SEQR review.

Mr. Pirro moved to grant a variance of 20', to allow the construction of a 30' x 24' addition at the rear of the home such that the depth of the rear yard would be reduced to approximately 20' – 1 ". Seconded by Mr. Walsh and it was unanimously approved.

2. John Szczech **TM#: 046.-06-07.2**
Fredrick and Linda Zimmerman
317 Myron Road
Syracuse, New York 13219

Variances: (1) Construction of new single family home, with a 7' east side yard and a 7' west side yard, requiring an 11' variance. (2) Home will be located 25' back from the front yard with steps to be 21' back, therefore, requiring a 4' variance.

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to grant an 11' variance from the total side yard minimum requirement of 25'. Mr. Walsh seconded the motion and it was unanimously approved.

Mr. de la Rosa moved to grant a 4' variance from the front yard setback requirements of 25' to allow a 21' front yard setback. Ms. Lansley seconded the motion and it was unanimously approved.

ADJOURNMENT:
Mr. de la Rosa moved to adjourn the meeting at 7:17 p.m. Mr. Walsh seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, ZBA Clerk

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
June 6, 2017 – 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Rich de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

STAFF PRESENT:
Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:
None

ABSENT:
None

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

PUBLIC HEARING:
None

NEW BUSINESS:

1. **Olympus Management** **TM#: 023.-02-33.1**
   Todd Oudemool
   2476 West Genesee Turnpike
   Camillus, New York 13031

Interpretation: ZBA Interpretation on development: Chapter 30; Sect. 402-P12 Mixed Use Building.

Mr. de la Rosa moved to declare the application an Unlisted Action and to set the public hearing for July 6, 2017. Mr. Walsh seconded the motion and it was unanimously approved.

2. **Andriy Hevko** **TM#: 041.-05-26.0**
   124 Patterson Ave.
   Syracuse, New York 13219

Area Variance: to allow a 4'6" x 8'6" enclosed porch on the front of the house.

Chairman Feyl moved to declare the application a SEQR Type II and to set the public hearing for July 6, 2017. Mr. de la Rosa seconded the motion and it was unanimously approved.

3. Joseph Mastorianni **TM#: 010.1-06-02.0**
Robert Carducci
127 Goldenrod Lane
Warners, New York 13164
Area Variance: to construct a 24' x 36' free standing garage.

Mr. de la Rosa moved to declare the application a SEQR Type II and to set the public hearing for July 6, 2017. Ms. Lansley seconded the motion and it was unanimously approved.

MINUTES:
Mr. de la Rosa moved to approve the minutes of May 2, 2017 meeting. Ms. Lansley seconded the motion and it was unanimously approved.

VOUCHERS:
A voucher was received from Syracuse Media for legal advertising totaling $59.54.

A detailed voucher was received from Melvin & Melvin for legal services totaling $810.00.

Mr. Pirro moved to approve payment of the vouchers. Ms. Lansley seconded the motion and it was unanimously approved.

COMMENTS OF THE BOARD:
Chairman Feyl explained some of the changes that have been made to the Town of Camillus Comprehensive Plan and Town of Camillus Zoning Maps.

Chairman Feyl stated that the Town of Camillus Code Chapter 30, Sec. 801 has changed and asked that the Board members review the changes that have been made.

Chairman Feyl also stated that there have been some zoning updates on properties located at the off ramp of 695 along Hinsdale Road to Warners Road from R3 to LBO, West Genesee Street to Elm Street in the village of Camillus from R4 to RR, Fairmount Church from R4 to GBO, as well as explaining several other changes. Chairman Feyl asked the Zoning Board members review these changes.

CORRESPONDENCE:
None

OLD BUSINESS:
None

DECISIONS:
None

ADJOURNMENT:

Mr. de la Rosa moved to adjourn the meeting at 7:25 p.m. Mr. Walsh seconded the motion and it was unanimously approved.

Respectfully submitted,
Krista Kenna, ZBA Clerk

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
July 6th, 2017 – 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Rich de la Rosa
Chris Lansley
Alex Walsh

STAFF PRESENT:
Susan Otto, Esq.
Tom Price, Code Enforcement Officer

GUESTS & MEMBERS OF THE PUBLIC:
8 others

ABSENT:
Steve Pirro

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

Chairman Feyl explained to those present that the agenda has been rearranged as there are two different types of Public Hearing to be heard tonight. Chairman Feyl stated the two Public Hearings for variances will be heard first, the new applications' Public Hearings will be set, and then the third Public Hearing for an interpretation will be heard.

PUBLIC HEARINGS:

1. **Andriy Hevko** **TM#: 041.-05-26.0**
   124 Patterson Ave.
   Syracuse, New York 13219

   Area Variance: to allow a 4'6" x 8'6" enclosed porch on the front of the house

Chairman Feyl asked that the applicant refer to the hearing guide while addressing the Board.

Mr. Nick Holl, representing Mr. Hevko as an interpreter, presented the application. Mr. Holl appeared before the Board to discuss an area variance to allow a 4'6" x 8'6" enclosed porch on the front of the house. Mr. Holl stated Mr. Hevko is the owner of the home and has provided a deed stating as such. Mr. Hevko's intent is to construct an enclosed porch measuring 4'6" x 8'6" which will serve as a mudroom/entry way into the house and protect them from the elements. The home is situated on a corner lot, approximately 60' x 126'. It slopes slightly to the south. Neighboring houses in the area have similar setbacks.

Chairman Feyl noted for the record, Councilperson Flood sent correspondence stating she has no issues with the improvement.

Mr. de la Rosa moved to close the public hearing. Ms. Lansley seconded the motion and it was unanimously approved.

2. Joseph Mastroianni **TM#: 010.1-06-02.0**
Robert Carducci
127 Goldenrod Lane
Warners, New York 13164

Area Variance: to construct a 24' x 26' free standing garage

Mr. Joseph Mastroianni, engineer for the homeowner, Mr. Robert Carducci, presented the application for an area variance to allow construction of a 24' x 26' free standing garage. Mr. Carducci provided a deed as part of the application stating he is the owner. The house is part of a subdivision which has mostly flat topography. The owner's parcel is approximately 180' x 102' on which a colonial house and a shed have been constructed. The new structure would be a two car garage measuring 24' x 26' to be used to store classic cars which Mr. Carducci owns. The layout of the property is such that this will be constructed so as to minimize the impact it will have on the rear yard. The backyard would not be functional if the garage were placed there. There is already a storage shed in the back yard. Mr. Carducci's brother-in-law lives on the property immediately adjacent to the proposed garage. The brother-in-law has no objections.

Mr. Walsh asked if there would be electricity planned for the garage. Mr. Mastroianni stated there will be.

Chairman Feyl stated that, based on the layout of the house, he can understand why the owners would choose to have the structure placed where it would be placed.

Councilperson LaFlair commented that as a representative of the 1st Ward, he doesn't have any concerns with the modifications.

Mr. de la Rosa moved to close the public hearing. Ms. Lansley seconded the motion and it was unanimously approved.

3. Olympus Leasing, Management and Development **TM#: 023.-02-33.1**
Todd Oudemool
2476 West Genesee Turnpike
Camillus, New York 13031

Interpretation: ZBA Interpretation of Chapter 30, Sect. 402-P12 Mixed Use Building

This public hearing was continued until later in the meeting.

NEW BUSINESS

1. James Kelley **TM#: 10.1-01-04.0**
6562 Winchell Lane
Warners, New York 13164

Area Variance: to allow a 12' x 18' sunroom, 25'6" from the rear property line and a 48' x 48' Pole barn, 40' in front of the rear of the house

Mr. de la Rosa moved to declare the application a SEQR Type II and set the public hearing for both items for August 1st, 2017. Mr. Walsh seconded the motion and it was unanimously approved.

Mr. Price clarified the Public Hearing would address both variances; one for the sunroom, and the other for the Pole Barn. Chairman Feyl stated that is correct.

2. Joe & Vanessa Mullane **TM#: 021.-01-05.1**
5917 Breed Road
Camillus, New York 13031

Area Variance: to allow an addition that encroaches into the front yard setback 23.1 feet

Chairman Feyl moved to declare the application a SEQR Type II and set the public hearing for August 1st, 2017. Mr. de la Rosa seconded the motion and it was unanimously approved.

3. SSB Properties, LLC **TM#: 065.-04-01.0**
Sam Buranich III
5425 W. Genesee Street
Camillus, New York 13031

Area Variance: to allow for directional sign- allowed three square ft./proposed 8 sqft./Area Variance of 5 sq. ft. needed

Mr. Walsh moved to declare the application a SEQR Type II and set the public hearing for August 1st, 2017. Ms. Lansley seconded the motion and it was unanimously approved.

MINUTES:
Mr. de la Rosa moved to approve the minutes of June 2, 2017 meeting. Mr. Walsh seconded the motion and it was unanimously approved.

VOUCHERS:
None

COMMENTS OF THE BOARD:
None

CORRESPONDENCE:
None

OLD BUSINESS:
None

DECISIONS:

1. **Andriy Hevko** **TM#: 041.-05-26.0**
   124 Patterson Ave.
   Syracuse, New York 13219

   Area Variance: to allow a 4'6" x 8'6" enclosed porch on the front of the house

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to grant a 5' variance to allow a 4'6" x 8'6" enclosed porch to be constructed in the front of the house. Ms. Lansley seconded the motion and it was unanimously approved.

2. **Joseph Mastroianni** **TM#: 010.1-06-02.0**
   Robert Carducci
   127 Goldenrod Lane
   Warners, New York 13164

   Area Variance: to construct a 24' x 26' free standing garage.

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to grant a 15'6" variance to allow a 24' x 26' free standing garage to be constructed approximately 15 feet in front of the rear line of the house. Mr. Walsh seconded the motion and it was unanimously approved.

Chairman Feyl returned to the Public Hearing portion of the meeting to conduct the Public Hearing for the Olympus Leasing, Management & Development application.

PUBLIC HEARINGS (cont'd):

3. **Olympus Leasing, Management and Development** **TM#: 023.-02-33.1**
   Todd Oudemool
   2476 West Genesee Turnpike
   Camillus, New York 13031

   Interpretation: ZBA Interpretation of Chapter 30, Sect. 402-P12 Mixed Use Building

Mr. Todd Oudemool of Olympus Leasing, Management and Development presented the application. Mr. Oudemool addressed the questions in the provided hearing guide:

1) **Applicant's interest in the subject:** The applicant is the intended developer of the property.

2) **Describe the subject property, including its acreage, dimensions, topography and proposed improvements:** The property is a 4.5 acre parcel with generally flat topography,

and the improvements are to convert the existing building into ten (10) residential units and one (1) commercial space.

3) **State the number of square feet proposed to be converted into residential dwelling units, and the number of residential dwelling units:** 8000 square feet of approximately 12000 square feet of space would be converted into ten (10) apartments. The plans are not finalized construction plans but rather renderings provided by the developer's architect.

4) **State the number of square feet for the remaining space and all proposed uses**: 4000 square feet to be used as common area and the commercial space

5) **State the extent to which one or more tenants have been identified for the nonresidential use(s) of the building and the types of tenants who are being considered or who have expressed interest**: The applicant stated that the market will dictate that.

6) **State the extent to which the proposed nonresidential use(s) would be designed to accommodate shopping and commercial activities that would be distinguished by activity and aesthetic impacts**: The applicant stated that the market will dictate that.

7) **State whether the nonresidential and residential units of the proposed mixed use building project would have separate designated outside entrances and where the entrances should be located**: In today's renderings, they are not separate. There are two entrances: One is in the front of the property; the other in the rear. The front entrance would be residential only and the rear entrance would be shared by both the nonresidential and residential tenants. The market will dictate any change to that.

8) **Describe the location and extent of any anticipated signage for the proposed nonresidential space(s) and state whether any signage would be located outside the building:** The current signage in use will continue to be used for the residential and commercial component.

9) **State the extent to which the proposed professional or administrative office would serve the residential tenants:** The applicant stated that the market will once again dictate that.

10) **Explain the proposed conversion of 3625 square feet into a common area and for whom, and the extent to which the proposed common area can be designed to accommodate commercial activity consistent with a C-2 district:** There is approximately 900 square feet next to the proposed professional space which is currently indicated to be storage but it could be considered flex space or used as commercial space. It is currently designed for tenants. The remaining 3625 square feet is comprised of ingress and egress points, staircases and corridors.

Mr. de la Rosa clarified that the only commercial area is the 375 square feet. Chairman Feyl confirmed it is on the lower (ground) level. Mr. de la Rosa expressed concern that the amount of commercial area is minor in relation to the remainder of the structure. Mr. Oudemool confirmed the amount is correct and that that space is the only commercial area in the building and that the 3625 square feet is for the ingress, egress points, storage space, staircases and corridors.

Chairman Feyl stated to the applicant that when the code was written the idea was that the mixed use would include residential along with a reasonable amount of space to rent to a commercial tenant such as a coffee shop, or barber shop. In previous conversations, Chairman Feyl asked the applicant if he could consider using one or two planned apartments as commercial space, rather than residential space to equalize the proposed project. It is Chairman Feyl's understanding, that the applicant stated that it would not be financially feasible to change some of the residential space to commercial space. Chairman Feyl commented that he doesn't see a hardship because the applicant would still collect rent from the commercial tenants.

Mr. Oudemool responded that it was his understanding when he first began his interest in the project, the Town did not favor any commercial development. In investigating with the Councilperson for the area, the applicant was told by the Town Board commercial businesses wouldn't be appreciated in the area. He was told the Town would prefer to see something that comports with the neighborhood in both directions.

Mr. Oudemool further stated he understood Ike Dixon Road as the cut-off to limit commercial so as to not adversely affect the existing residents along the West Genesee Turnpike corridor. It was impressed upon him that west of Ike Dixon Road, the Town isn't in favor of commercial development.

Mr. Oudemool stated the owners (Mr. and Mrs. Dan Gilfillan) hired him over four years ago to develop the property which used to be a very popular banquet spot. Many parties and weddings have been held in the space. Unfortunately, the market no longer supports such a business and the applicant thinks this proposal makes sense as it's a use that fits with the existing neighborhood. Mr. Oudemool checked the municipal code and felt this proposal fit all the boxes. Mr. Oudemool further stated approximately 10 years ago the town removed proportionality from the code according to his research. The Town removed the understanding that residential meant it had to be on the second floor.

Chairman Feyl stated there are several businesses along the corridor that are commercial and have been in existence for many years. There are two motels, a very large restaurant, and two gas stations at Bennetts Corners Road. Mr. Oudemool explained he meant conversion rather than new development.

Chairman Feyl asked the applicant if he had considered utilizing one or two of the proposed apartments as commercial space to have a better ratio of commercial versus residential.

Mr. Oudemool stated he understood the commercial use to not just be retail; he stated he would expect commercial operations such as an attorney's office would be an allowable use. The applicant further stated the intent was not to find a tenant such as a coffee shop, rather a professional office such as an attorney or accountant's office. He feels the site would support a residential use, however doesn't believe the market will support a 50 % commercial/50% residential usage or even 20% commercial/80 % residential usage.

Chairman Feyl asked the applicant about the sewer connection. He stated according to the SEQR statement provided by the applicant, he will not connect to the existing sewer. Mr. Oudemool stated that's incorrect and any such representation on the SEQR statement is erroneous.

Ms. Otto stated that the applicant is in front of the Board for an interpretation of the code and that the discussion may be getting a little off track. Ms. Otto stated that a multiple family dwelling is not an allowed use in a C2 district. A mixed use building is allowed in a C2 district. The question before the Board is whether the code allows the residential component of the mixed use building in a C2 district to be totally dominant.

Mr. Oudemool stated if the discussion is going to be arbitrary in how the intent is looked at, what is a usage that works there? He believes residential will work. Mr. Oudemool then stated could the usage then be looked at arbitrarily as well and work within the confines of what's allowed in an R4 district.

Ms. Otto stated the Municipal Code states what is allowed. Mr. Price's interpretation is consistent with what is stated in the Municipal Code.

Mr. Oudemool stated that if there were a proportional assessment spelled out in the municipal code, the applicant wouldn't be in front of the Board. Mr. Oudemool further stated his engineer, architect and he interpreted the code to allow what is being proposed as long as the commercial aspect is on the ground floor.

Chairman Feyl stated the proposed mixed use includes a multiple family dwelling which is not allowed in a C2 district. He asked the applicant if he considered requesting a zone change for the parcel to R4 which does allow the multiple family dwelling.

Mr. Oudemool felt that a zone change to R4 may be somewhat limiting. Another scenario by Chairman Feyl was that at some point the property could be subdivided and one property be zoned C2 and one property be zoned R4. It was noted there was a previous rendition of plans presented early on in the planning stages, that showed another residential building which comports with the current market. Mr. Oudemool stated the delays for the project have caused hardship to the current owners as they placed the property on the market, believing the proposal for a mixed used building was a viable concept.

Mr. Price, Code Enforcement Officer for the Town of Camillus then addressed the Board to explain the reason behind the referral. Mr. Price stated it's very rare to see an interpretation and in this case there is a discrepancy or disagreement between the Code Enforcement Office and the applicant with respect to the intent of the code. Mr. Price added that it's ultimately the Code Enforcement Officer's prerogative to be the deciding factor.

Mr. Price went on to explain the issue isn't proportionality, rather land use. Land use is what one is able to use the property for or what is an allowable use for the property. Mr. Price gave the Board and staff and all present a Table of Land Uses to better understand what's allowed in the various zoning classifications.

It was explained the application had been brought to the Code Enforcement Office's attention during the beginning stages of the proposal while the application was before the Planning Board. Mr. Price discussed the application with Mr. Oudemool to better understand the square footage breakdown.

Mr. Price explained there are three (3) different types of use: principal use, accessory use, and not permitted uses. The principal use is the most dominant use of the property. The Code

Enforcement Office concentrates on the most dominant use which is in this case is residential. According the Table of Land Uses the multi-family use is not an allowed use in a C2 district. As the commercial aspect of the applicant's project is a small amount, and the description of the commercial aspect is somewhat fluid (as indicated by the applicant's "whatever the market demands" statements), the small percentage of the commercial aspect doesn't seem to fit the use.

It was then discussed there had been a suggestion to change the zoning for the parcel to an R4 which would allow a multi-family dwelling. Mr. Price stated that perhaps the applicant doesn't wish to lose the flexibility of the C2 zoning classification.

Ultimately the Board should focus on the principal use of the proposed conversion and whether that use is allowed in the zoning classification. Mr. Price stated that is how the interpretation is clarified. Mr. Price stated the residential use should be an accessory use to the commercial use.

Mr. Price explained that before the change to the code, the residential component was the upstairs part; the commercial component was on the ground floor. The owner lived above the commercial use.

Ms. Otto referenced the hearing guide provided with the relevant sections of the code. Ms. Otto also explained Mr. Price has provided the Table of Land Uses which sets forth in what zoning district and by what procedural mechanism a particular use is allowed in a zoning district. According to the Table of Land Uses a "Multiple Family Building" is not allowed in a C-2 District. A Multiple Family Building is defined in the Municipal Code as a building containing two or more dwelling units. A Mixed Use Building is defined in the Municipal Code as a building with nonresidential uses and residential dwelling units. Ms. Otto further stated that Section 300 of the Municipal Code states that the zoning districts set forth in Sections 301 and 302 are created for the purpose of restricting activity therein to those uses which are compatible. The question before the Board is does the project comport with the code and what is the definition of mixed use building in the context of a C-2 district and in the context of this project.

Mr. Oudemool presented additional thoughts supporting his interpretation. He reiterated the conversation with Councilman Hammerle with respect to the Town's desire to not have commercial development in this area. Mr. Oudemool stated he believes the mixed use proposal before the Town is the best possible case use scenario for the site.

The question presented itself again with respect to the applicant altering the lower level to accommodate additional commercial space to help balance the uses somewhat. The applicant stated he didn't believe that would be possible.

Mr. Gilfillan asked Mr. Price why he asked the Gilfillans if they were planning on installing an apartment in the upper level of the building. Mr. Price stated he didn't recollect those conversations. Mr. Gilfillan also expressed concern that various town personnel accommodated other developments to his detriment.

Mr. Oudemool stated the Camillus Inn Motel is 1000 feet west of this property and is commercially zoned. Mr. Oudemool went on to say the Camillus Inn Motel is exclusively

residential, therefore commercial doesn't mean exclusively shopping/retail. Mr. Price stated a hotel/motel is an allowed use in a commercial zone. He also stated the Gilfillans asked if they could have a hotel and were told yes.

Mr. Oudemool stated the project has been a work in progress. He stated in 2014, he initially spoke to Councilperson Hammerle for a list of allowable uses. Mr. Oudemool was told then the Town isn't looking for McDonald's, rather a project which works within the neighborhood, and can maintain the existing tranquil neighborhood. Mr. Oudemool explained he's trying the best case scenario for the property to work. He discussed adding more space to the commercial aspect on the ground floor. Ms. Otto stated the Board would not discuss hypothetical situations. She stated the Board is hearing an application for an interpretation based on the project as it was presented to the Planning Board and the renderings as presented.

Chairman Feyl asked if the lower two apartments could be reconfigured into commercial space. Mr. Oudemool stated the conversion, as it is, is a fairly costly endeavor. He believes he's utilizing the space in the best way possible.

Chairman Feyl, speaking on behalf of the Board stated he wants to see the project succeed. He offered these following possible solutions to the quandary:

- Re-zone the parcel to R4 where multi-family dwellings are an allowable use
- Create a retail (commercial) space larger than what is proposed and bring the revised plans to the Planning Board
- Consider implementing the original plans which included a second phase of the overall project and appeared to be a good fit for the existing neighborhood

There was additional discussion regarding the issue of proportionality, the intent of the Municipal Code, and the various mixed messages the applicant has received while attempting to bring the project to fruition.

Mr. Gilfillan explained to the Board, there's a hardship to be considered. Mr. Gilfillan stated he's been told repeatedly the project can be worked with. He stated at this point he's confused by the various restrictions and all that has transpired. The process has been extremely frustrating. Following that, Mr. Oudemool stated there has been a multitude of statements to the Gilfillans that have had them all waiting for resolution. Mr. Oudemool stated he feels that there should be an answer in order to help the Gilfillans, a couple that has run a successful business for many years in the Town of Camillus.

Chairman Feyl reiterated the Board is looking at the project as it's presented.

The Board discussed if they were ready to make a decision tonight.

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

DECISIONS (cont'd):

3. Olympus Leasing, Management and Development **TM#: 023.-02-33.1**
Todd Oudemool
2476 West Genesee Turnpike
Camillus, New York 13031

Interpretation: ZBA Interpretation of Chapter 30; Sect. 402-P12 Mixed Use Building

Chairman Feyl moved that the Board interpret Section 402, P12, which defines a "Mixed Use Building", to not allow in a C2 district, and in the context of the applicant's project, the residential component of the mixed use to totally dominate over the nonresidential use of the building. He moved that the Board interpret Section 402, P12 to mean that, in a C2 district, the residential component of a Mixed Use Building must be subordinate to the nonresidential component. Mr. de la Rosa seconded the motion and it was unanimously approved.

ADJOURNMENT:
Mr. de la Rosa moved to adjourn the meeting at 8:30 p.m. Mr. Walsh seconded the motion and it was unanimously approved.

Respectfully submitted,

Sandra Shoff
Interim ZBA Clerk

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
August 1, 2017 – 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Rich de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

STAFF PRESENT:
Daniel Austin, Attorney

GUESTS & MEMBERS OF THE PUBLIC:
Mike LaFlair, 2nd Ward Councilor
4 others

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

Mr. de la Rosa moved to waive the reading of the legal notice; Mr. Pirro seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

4. James Kelley **TM #: 010.1-01-04.0**
6562 Winchell Lane
Warners, NY 13164

Area Variance: Sunroom in the rear setback and an accessory building forward of the rear of the principal building

James Kelley, the property owner, appeared before the Board to present his application. He described the property as being on a dead end road, slightly over an acre in size with trees on the northerly property line, a creek on the westerly property line, a shed in the northwesterly corner, road frontage of 170', and the Country Creek retention pond behind the northerly property line. He described the projects to be a 12' x 18' x 14'6" sunroom addition to the rear of the home intended for seasonal recreational use extending off the northeast corner of the residence and a 36' x 48' x 22.6" detached garage intended for storage use on the lot to the east of the residence with a 12' x 48' lean to on the easterly side.

Because the residence was constructed so far back on the lot, there is minimal space in the rear of the property and he is seeking a variance to allow the sunroom to extend to a point 26' from the rear property line. Likewise, because the residence is so far to the rear of the property, it isn't possible to place the detached garage behind the rear line of that structure, so he is seeking a variance to allow it to be constructed 40' forward of that line. He explained he has planned the garage to be as far from the easterly property line as possible and has enhanced the buffer by planting more trees. He provided correspondence from the three surrounding neighbors indicating no concerns about his proposed projects.

Mr. de la Rosa commented that he is familiar with the property and the structure is situated very far back, with minimal rear space.

Mr. Pirro inquired what the distance between the lot line and the east side of the garage is and Mr. Kelley stated it to be 30' to the property line.

Mr. de la Rosa moved to close the public hearing. Ms. Lansley seconded the motion and it was unanimously approved.

Councilor Mike LaFlair, Town Board representative for the Ward in which this property exists, remarked that the placement of the residence so far to the rear of the property makes this a difficult spot to work with and that he would appreciate any consideration the Board can give to allowing Mr. Kelley to proceed with his plans.

5. Joe & Vanessa Mullane **TM #: 021.-01-05.1**
5917 Breed Road
Camillus, NY 13031

Area Variance: Home addition in the front yard setback

Mr. Mullane, the property owner, appeared before the Board to present his application. He described the property as being just over an acre with no nearby residences, with the residence situated 32' from the road, and the project to be a 25' x 52' addition to the south side of the home that would include a two car garage, mudroom, and bedroom. He is seeking an area variance to allow the addition to extend 23.1 feet into the front yard setback.

Mr. de la Rosa clarified that the house has a legal non-conforming setback of 15.32' because it was constructed prior to current zoning laws, but that the variance would be granted with consideration to the current requirement of 50'. Mr. Feyl added that there is only one other property with the legal non-conforming setback and it is not near this residence.

Councilor Mike LaFlair, Town Board member asked that, in light of the pre-existing condition, for the Boards consideration in approving this request.

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

6. SSB Properties, LLC. **TM #: 065.-04-01.0**
5425 West Genesee Street
Camillus, New York 13031

Area Variance: Directional signage

Matthew Vincentini and Sam Buranich III, of SSB Properties, LLC, appeared before the Board to present their application. Mr. Vincentini described the property as being an additional lot owned by the company, which is situated to the east of the funeral home and is used for additional funeral home parking. The building on the lot is currently leased to Sweet Woods Memorials, who have a zoning compliant sign for their business located approximately 30 yards from the parking sign they are seeking to replace.

Mr. Vincentini described the proposed sign as being a 24" x 48" PVC sign frame with six foot tall 4" x 4" pressure treated posts placed in 3.5' concrete footers with PVC post covers and standard caps on either side, a T-top rail and standard bottom rail, with an overall graphic area of 21" x 44" made from 1/8" allumilite with a plastic center. They desire to replace the current directional sign, with this larger sign to try to prevent street parking for safety reasons and for the accommodation of the neighboring property owners.

He explained that, although they do hire young adults to help direct traffic during calling hours, they are not always available to work and without traffic direction during times of multiple calling hours, they find street parking can be heavy although there are available spots in the lots. They believe this larger sign will be more visible and help self-direct vehicles more effectively than the current sign, and may allow the funeral home to avoid hiring police officers at great expense to direct traffic when the younger employees are not available. Mr. Buranich added that the signage is helpful to those visiting the funeral home from outside the Town.

Mr. Buranich noted that the current sign is constructed of a plywood rectangle attached to a metal signpost with hinges, which they have found is not durable and has been replaced several times.

Mr. Pirro inquired whether the base of the proposed sign would be landscaped; Mr. Vincentini stated it would be landscaped in a manner similar to the existing sign.

Ms. Lansley inquired whether there would be graphics on the front and back of the sign and Mr. Vincentini confirmed there would be.

Mr. Feyl inquired whether SSB Properties, LLC owned the building and garages on the property and whether Buranich Funeral Home had received any variance for the sign in front of the funeral home on the adjacent property. Mr. Buranich confirmed that the company did own the property, leasing the building to Sweet Woods Memorials, utilizing the garages for the funeral home operation, and confirmed that they had received a variance to construct the current funeral home sign. Mr. Feyl remarked that he did not feel it was difficult to locate the additional parking with the current sized sign and that he's uncertain that a directional sign of this proportion is warranted.

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

NEW BUSINESS

2. Mark Benenati **TM#: 022.1-01-19.0**
107 Eaglecrest Drive
Camillus, NY 13031

Special Use Permit: Home occupation

Mr. de la Rosa moved to declare this an unlisted action under SEQR and set the public hearing for September 5, 2017. Mr. Pirro seconded the motion and it was unanimously approved.

2. Colleen Powers **TM#: 043.-04-16.0**
203 Male Avenue
Syracuse, NY 13219

Area Variance: Shed in the front yard setback

Mr. Pirro moved to declare this a Type II action under SEQR and set the public hearing for September 5, 2017. Mr. de la Rosa seconded the motion and it was unanimously approved.

3. Russell Marsh **TM #: 021.-02-13.4**
6028 Breed Road
Camillus, New York 13031

Area Variance: Accessory building forward of the rear of the principal building

Chairman Feyl moved to declare this a Type II action under SEQR and set the public hearing for September 5, 2017. Ms. Lansley seconded the motion and it was unanimously approved.

4. Pam Carrroll **TM #: 032.-07-01.0**
100 Terrace Way
Camillus, NY 13031

Area Variance: Garage in the front yard setback

Ms. Lansley moved to declare this a Type II action under SEQR and set the public hearing for September 19, 2017. Mr. Walsh seconded the motion and it was unanimously approved.

MINUTES:
Chairman Feyl moved to approve the minutes of July 6, 2017 meeting. Mr. de la Rosa seconded the motion and it was unanimously approved.

VOUCHERS:
Mr. Pirro approved payment of the voucher received from Syracuse Media for legal advertising totaling $77.91. Ms. Lansley seconded the motion and it was unanimously approved.

COMMENTS OF THE BOARD:
None

CORRESPONDENCE:
None

OLD BUSINESS:
None

DECISIONS:

1. **James Kelley** **TM #: 010.1-01-04.0**
   6562 Winchell Lane
   Warners, NY 13164

   Area Variance: Sunroom in the rear setback and an accessory building forward of the rear of the principal building

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environment impacts.

Mr. de la Rosa moved to grant an area variance to allow a 12' x 18' sun room 26' from the rear property line. Mr. Pirro seconded the motion and it was unanimously approved.

Mr. de la Rosa moved to grant an area variance to allow 48' x 48' pole barn/garage 40' forward of the rear line of the residence. Mr. Walsh seconded the motion and it was unanimously approved.

2. **Joe & Vanessa Mullane** **TM #: 021.-01-05.1**
   5917 Breed Road
   Camillus, NY 13031

   Area Variance: Home addition in the front yard setback

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environment impacts.

Mr. Pirro moved to grant an area variance to allow a home addition extending 24' into the front yard setback. Ms. Lansley seconded the motion and it was unanimously approved.

3. **SSB Properties, LLC.** **TM #: 065.-04-01.0**
   5425 West Genesee Street
   Camillus, New York 13031

   Area Variance: Directional signage

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environment impacts.

Mr. de la Rosa moved to grant an area variance of five square feet to allow an eight square foot directional sign on the property. Mr. Walsh seconded the motion.

Ayes: Mr. de la Rosa, Ms. Lansley, Mr. Pirro, Mr. Walsh
Nos: Chairman Feyl

Motion carried.

ADJOURNMENT:

Mr. de la Rosa moved to adjourn the meeting at 7:45 p.m. Mr. Walsh seconded the motion and it was unanimously approved.

Respectfully submitted,

Martha Dickson-McMahon
Interim ZBA Clerk

Town of Camillus
Zoning Board of Appeals
September 6, 2017 - 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Richard de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

STAFF PRESENT:
Daniel Austin, Attorney

GUESTS & MEMBERS OF THE PUBLIC
Joy Flood, 3rd Ward Councilor
Eric Hammerle, 1st Ward Councilor
8 Others

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

Mr.de la Rosa moved to waive the reading of the legal advertisements for the public hearings. Ms. Lansley seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. Mark Benenati **TM#: 022.1-01-19**
107 Eaglecrest Drive
Camillus, NY 13031

Special Use Permit: Home Occupation

Mark Benenati, the property owner, appeared before the Board to present his application. He described his home as a 2800 sq. ft. single family home, with a 3000 sq. ft. driveway. He desires to utilize approximately 250 sq. ft. of his basement to manufacture and sell firearms for private use, in compliance with Federal Firearms Law. The business would have no employees and the majority of the merchandise will be delivered to customers via commercial shippers, with only one or two business related visitors per month to the residence.

Ms. Lansley inquired whether there would be any testing of firearms; Mr. Benenati stated he would be engaging in assembly only and would not have ammunition at the home.

Chairman Feyl inquired whether Mr. Benenati would be engaging in any firearms transfer transactions; Mr. Benenati stated he would not, with the exception of rare transactions to assist friends or family only.

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

2. Colleen Powers **TM#: 043.-04-16.0**
203 Male Ave
Syracuse, NY 13219

Area Variance: Shed in the front yard setback

David Powers, husband of the applicant and property owner, appeared before the Board to present her application. He described the property as being located on a corner lot, fronting Male Avenue and Sidney Street, so it has two front yards. They desire to place a 10' x 12' storage shed to house home maintenance equipment, thus freeing up their garage to park two vehicles.

He explained that he did consult with Code Enforcement regarding the location of the shed prior to construction, but there was some confusion about the measurements and the base was erroneously placed in the wrong location. Because it is in place and 3' forward of the rear building line, they are requesting a variance to prevent having to move the base.

Mr. Pirro inquired which direction the shed doors would face and whether the siding would be identical to the house and garage. Mr. Powers stated the door would be facing Sidney street and that the shed siding and color will match the residence.

Public Comment
3rd Ward Councilor Joy Flood stated she is very familiar with this property, that there are no sight line issues, and the challenging topography makes placing the shed elsewhere difficult, so she is in favor of granting the variance.

Mr. Pirro moved to close the public hearing. Mr. Walsh seconded the motion and it was unanimously approved.

3. Russell Marsh **TM#: 021.-02-13.4**
6028 Breed Road
Camillus, NY 13031

Area Variance: Accessory building forward of the rear of the principal building

Mr. Marsh, the property owner, appeared before the Board to present his application. He described the property as having the residence far off the roadway, with two sheds in the back of the yard. He desires to build a 24' x 36' pole barn with 12' high walls that will be used to store home maintenance equipment and a truck. Chairman Feyl advised Mr. Marsh that the peak could not be over 21' in height to be compliant with the Municipal Code. He is unable to place the pole barn to the rear of the residence due to grading issues.

Public Comment
1st Ward Councilor Eric Hammerle, stated the pole barn would be set back so far that, with the surrounding woods, it is unlikely to even be seen, so he supports granting the variance.

Mr. de la Rosa moved to close the public hearing. Mr. Walsh seconded the motion and it was unanimously approved.

NEW BUSINESS

1. Jacqlene Hanks **TM#: 007.1-05-15.0**
104 Pacer Way
Warners, NY 13164

Area Variance: Shed forward of the rear building

Mr. de la Rosa moved to declare this a Type II action under SEQR and set the public hearing for September 19. 2017. Mr. Pirro seconded the motion and it was unanimously approved.

2. Verizon **TM# 066.-01-10.1/3**
5399 W Genesee Street
Camillus, NY 13031

Use Variance: Microcell antennas at Walmart

Chairman Feyl moved to declare this an unlisted action under SEQR and set the public hearing for September 19, 2017. Mr. de la Rosa seconded the motion and it was unanimously approved.

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MINUTES:
Ms. Lansley moved to approve the minutes of August 1, 2017 meeting. Mr. Walsh seconded the motion and it was unanimously approved.

VOUCHERS:
Mr. de la Rosa approved payment of the voucher received from Syracuse Media for legal advertising totaling $72.03. Mr. Pirro seconded the motion and it was unanimously approved.

CORRESPONDENCE:
None

COMMENTS OF THE BOARD
None

DECISIONS:

1. Mark Benenati **TM#: 022.-01-19.0**
107 Eaglecrest Drive
Camillus, NY 13031

Special Use Permit: Home Occupation

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environment impacts.

Mr. de la Rosa moved to grant a Special Use Permit to conduct a home business of assembling and sale of private firearms at 107 Eaglecrest Drive. Mr. Pirro seconded the motion and it was unanimously approved.

2. Colleen Powers **TM# 043.-04-16.0**
203 Male Ave
Syracuse, NY 13219

Area Variance: Shed in the front yard setback

Chariman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environment impacts.

Mr. Walsh moved to grant a 3.5' area variance to allow a 10' x 12' storage shed in the front yard setback. Mr. de la Rosa seconded the motion and it was unanimously approved.

3. Russell Marsh **TM#: 021.-02-13.4**
6028 Breed Road
Camillus, NY 13031

Area Variance: Accessory building forward of the rear of the principal building

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environment impacts.

Mr. de la Rosa moved to grant an area variance to allow a pole barn 26.5' forward of the rear bulding line. Ms. Lansley seconded the motion and it was unanimously approved.

ADJOURNMENT:
Mr. de la Rosa moved to adjorn the meeting at 7:30 p.m. Mr. Pirro seconded the motion and it was unanimously approved.

Respectfully submitted,

Theresa Garvey
ZBA Clerk

Town of Camillus
Zoning Board of Appeals
September 19, 2017 - 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Richard de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

STAFF PRESENT:
Susan Otto, Attorney

GUESTS & MEMBERS OF THE PUBLIC
Dave Callahan, 6th Ward Councilor
5 Others

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

Mr. de la Rosa moved to waive the reading of the legal advertisements. Mr. Pirro seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

1. Pam Carroll **TM#: 032.-07-01.0**
100 Terrace Way
Camillus, NY 13031

Area Variance: Garage in the front yard setback

Pam Carroll, the property owner, appeared before the Board to present her application. She provided the Board an updated rendering of the proposed garage. Mrs. Carroll described the property as a split ranch home on a ¼-acre corner lot. She is seeking to build a 15 x 22' garage addition onto the southern side of the residence, which would extend 12' into the front yard setback. The existing garage is planned to be converted to an expanded kitchen and the new garage will be used for storage.

Mr. de la Rosa stated that, after visiting the property, the location proposed by the applicant is the only one feasible for the addition. Mr. Pirro concurred.

Public Comment:
Dave Callahan, 6th Ward Councilor, stated he visited the property and determined that the proposed addition would cause no sight line issues. He added that he sent a notification to surrounding neighbors regarding this proposal and did not hear from any; he submitted a copy of the letter dated September 12, 2017 for the record.

Mr. de la Rosa moved to close the public hearing. Ms. Lansley seconded the motion and it was unanimously approved

4. Jacqlene Hanks **TM#: 007.1-05-15.0**
104 Pacer Way
Warners, NY 13164

Area Variance: Shed forward of the rear building line

Jacqlene Hanks, the property owner, appeared before the Board to present her applicaton. She described the property as an approximately 2.29 acre lot on which they desire to place a 16' x 10' shed, located 12' forward of the the rear building line, a photo of which was provided to the Board. She stated that they currently have a garage, but wish to have a shed for use as a pool house and to store maintenance equipment and a motorcyle.

Chairman Feyl inquired whether the driveway would extend to the shed. Ms. Hanks stated it is very close and the space between would be used to accommodate a 5" ramp to the shed door.

Mr. de la Rosa commented that, with the morning room on the back of the house, only 2' of the shed would be visible from the road.

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

5. Verizon **TM#: 066.-01-10.1/3**
5399 W Genesee Street
Camillus, NY 13031

Use Variance: Microcell antennas at Walmart

Daniel Brennan of Nixon Peabody, attorney for the applicant, and Timothy Richmond, Project Manager for Verizon, appeared to present their application proposing a microcell facility on the roof of the Walmart building, including additional necessary ground equipment.

Mr. Brennan explained that Verizon has a license agreement with Walmart for such installations and the microcell facility would supplement traffic on the existing tower and add additional coverage where there is none. He stated that all equipment would blend with the surrounding structures.

Chairman Feyl inquired why the Verizon Wireless store in the plaza was not being used for the microcells. Mr. Richmond stated that they have a license agreement with Walmart to use their locations.

Ms. Lansley questioned whether there would be any interference with the GPS in the area. Mr. Brennan stated there would be none and referenced supporting documentation in section H of their application.

Chairman Feyl asked who would be responsible of removal of the equipment when it is no longer in use. Mr. Richmond responded that Verizon would be responsible, per their agreement with Walmart.

Mr. de la Rosa moved to close the public hearing. Mr. Walsh seconded the motion and it was unanimously approved.

NEW BUSINESS

1. **Larry Gilbert** **TM#: 054.-13-01.0**
   519 Jane Drive
   Syracuse, NY 13219

   Area Variance: Garage in the front yard setback

Mr. de la Rosa moved to declare this a Type II action under SEQR and set a public hearing for October 3, 2017. Ms. Lansley seconded the motion and it was unanimously approved.

MINUTES:
Mr. de la Rosa moved to approve the minutes of September 5, 2017 meeting. Mr. Pirro seconded the motion and it was unanimously approved.

VOUCHERS:
Mr. Pirro approved payment of the following vouchers. Ms. Lansley seconded the motion and it was unanimously approved.

- Barbara Durand - transcription services totaling $132.00
- Advance Media - legal advertising totaling $71.30
- Avalon - color copies totaling $229.40
- Melvin & Melvin- legal services for $5850.00

CORRESPONDENCE:
None

COMMENTS OF THE BOARD
None

DECISIONS:

1. **Pam Carroll** **TM#: 032.-07-01.0**
   100 Terrace Way
   Camillus, NY 13031

   Area Variance: Garage in the front yard setback

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environmental impacts.

Mr. Pirro moved to grant an area variance of 13' to allow a garage in the front yard. Mr. Walsh seconded the motion and it was unanimously approved.

2. Jacqlene Hanks **TM#: 007.1-05-15.0**
104 Pacer Way
Warners, NY 13164

Area Variance: Shed forward of the rear building line

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environmental impacts.

Mr. de la Rosa moved to grant a 13' area variance to allow a shed forward of the rear of the building line. Mr. Pirro seconded the motion and it was unanimously approved.

2. Verizon **TM#: 066.-01-10.1/3**
5399 W Genesee Street
Camillus, NY 13031

Use Variance: Microcell antennas at Walmart

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environmental impacts.

The matter was referred to the Onondaga County's Planning Board, who determined the proposed use variance would have no adverse implications.

Mr. Pirro moved to grant a use variance to allow the installation and operation of a microcell facility. Mr. de la Rosa seconded the motion and it was unanimously approved.

ADJOURNMENT:
Mr. de la Rosa moved to adjourn the meeting at 7:35 p.m. Mr. Walsh seconded the motion and it was unanimously approved.

Respectfully submitted,

Theresa Garvey
ZBA Clerk

Town of Camillus
Zoning Board of Appeals
October 3, 2017 - 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Richard de la Rosa
Chris Lansley
Steve Pirro
Alex Walsh

STAFF PRESENT:
Susan Otto, Attorney

GUESTS & MEMBERS OF THE PUBLIC
None

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

Mr. de la Rosa moved to waive the reading of the legal advertisement. Mr. Walsh seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

2. Larry Gilbert **TM#: 054.-13-01.0**
519 Jane Drive
Syracuse, New York 13219

Area Variance: Garage in the front yard setback

Larry Gilbert, the property owner, appeared before the Board to present his application. He described the property as a colonial style home on a 1/3 acre corner lot, with a 35' setback in the front and a 35.41' setback on the west side of the lot. He is seeking to build a 22' x 30.44' garage to house maintenance equipment and vehicles, noting that they have two personal vehicles, plus one, Town of Camillus vehicle required for work. He is getting rid of the shed in the backyard and, in essence, cleaning up the lot.

Mr. de la Rosa stated that he sees no issues with the visibility or tree line and noted there are no surrounding neighbors on that side.

Mr. Pirro questioned the height of the roofline. Mr. Gilbert stated it would be the same height and size as the existing garage.

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

NEW BUSINESS

2. Joshua Chagnon **TM#: 067.-03-24.0**
502 Whedon Road
Syracuse, NY 13219

Area Variance: Shed forward of the rear building line

Mr. Pirro moved to declare this a Type II action under SEQR and set a public hearing for November 9, 2017. Mr. de la Rosa seconded the motion and it was unanimously approved.

MINUTES:
Mr. Walsh moved to approve the minutes of September 19, 2017 meeting. Ms. Lansley seconded the motion and it was unanimously approved.

VOUCHERS:
Ms. Lansley approved payment of the following vouchers. Mr. Walsh seconded the motion and it was unanimously approved.

- Melvin & Melvin- legal services totaling $4,302.40

CORRESPONDENCE:
None

COMMENTS OF THE BOARD
None

DECISIONS:

3. Larry Gilbert **TM#: 054.-13-01.0**
519 Jane Drive
Syracuse, NY 13219

Area Variance: Garage in the front yard setback

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environmental impacts.

Mr. Pirro moved to grant an area variance of 22.1/2' to allow a garage in the front yard on the west side of the residence. Mr. de la Rosa seconded the motion and it was unanimously approved.

ADJOURNMENT:
Mr. de la Rosa moved to adjourn the meeting at 7:10 p.m. Mr. Walsh seconded the motion and it was unanimously approved.

Respectfully submitted,

Theresa Garvey
ZBA Clerk

Town of Camillus
Zoning Board of Appeals
November 9, 2017 - 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Richard de la Rosa
Chris Lansley
Alex Walsh

STAFF PRESENT:
Susan Otto, Attorney

GUESTS & MEMBERS OF THE PUBLIC
3 Others

ABSENT:
Steve Pirro

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

Mr. de la Rosa moved to waive the reading of the legal advertisement. Mr. Walsh seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

3. Joshua Chagnon **TM#: 067.-03-24.0**
502 Whedon Road
Syracuse, New York 13219

Area Variance: Shed forward of the rear building line

Joshua Chagnon, the property owner, appeared before the Board to present his application. He described the property as a 1/2 acre lot, with a sloping back yard. He is seeking to build a 10' x 10' shed, or possibility an 8' x 8' shed, to house maintenance equipment. He explained that the proposed location is the only level land on his property. He also noted that there is a Sunoco pipeline through the property, which would be 22' to 24' away from the proposed shed.

Chairman Feyl explained that, based on the survey, the proposed shed is in the Sunoco pipeline easement and noted that the three drawings submitted differ from one another.

Attorney Susan Otto agreed that the drawings differ and stated that, since the application has changed, Mr. Chagnon needs to go back to the Code Enforcement Office to file a correct drawing, as the size of the shed would affect the size of any variance, if granted. She also noted that by law the Board must consider safety when granting/not granting a variance.

Mr. de la Rosa moved to continue the public hearing on December 5, 2017. Mr. Walsh seconded the motion and it was unanimously approved.

2. Michael Giarrusso **TM#:036.-02-20.1**
102 Sanderson Drive
Camillus, New York 13031

Area Variance: Garage forward of the rear building line

Christine Giarrusso and Michael Giarusso, property owners, appeared before the Board to present their application. She described the property as a split-level home on 1.01 acres, with a two-car garage, 12' x 16' shed, pool, and chain link fence. There is a National Grid easement on the property to accommodate electric poles and wires.

They are seeking to install a 12' x 24' garage and a 10' x 16' dog kennel forward of the rear building line of the residence. The garage would be 45' from westerly property line, 16' from the northerly property line, and 98' from Sanderson Drive and will house vehicles. The dog kennel will be located directly behind the northern wall of the garage and used for the safety of their pets.

Mr. de la Rosa stated that, after visiting the property, the location proposed by the applicant is the only feasible location for the garage. Chairman Feyl concurred.

Mr. de la Rosa moved to close the public hearing. Mr. Walsh seconded the motion and it was unanimously approved.

NEW BUSINESS

3. Julia Kaulback **TM#: 055.-02-51.0**
201 Beverly Drive
Syracuse, NY 13219

Area Variance: Garage addition in the front yard setback

Ms. Lansley moved to declare this a Type II action under SEQR and set a public hearing for December 5, 2017. Mr. de la Rosa seconded the motion and it was unanimously approved.

MINUTES:

Mr. de la Rosa moved to approve the minutes of October 3, 2017 meeting. Ms. Lansley seconded the motion and it was unanimously approved.

VOUCHERS:

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

- Melvin & Melvin- legal services totaling $2100.00
- Advanced Media-legal advertising $118.34 & $61.01

CORRESPONDENCE:

None

COMMENTS OF THE BOARD
None

DECISIONS:

4. Michael Giarrusso **TM#: 036.-02-20.1**
102 Sanderson Drive
Camillus, New York 13031

Area Variance: Garage forward of the rear building line

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environmental impacts.

Mr. de la Rosa moved to grant an area variance of 54' to allow a 12' x 24' detached garage and a 10' x 16' dog kennel forward of the rear building line. Ms. Lansley seconded the motion and it was unanimously approved.

ADJOURNMENT:
Mr. de la Rosa moved to adjourn the meeting at 7:32 p.m. Ms. Lansley seconded the motion and it was unanimously approved.

Respectfully submitted,

Theresa Garvey
ZBA Clerk

Town of Camillus
Zoning Board of Appeals
December 5, 2017 - 7:00 p.m.

PRESENT:
Bob Feyl, Chairman
Richard de la Rosa
Chris Lansley
Steve Pirro

ABSENT:
Alex Walsh

STAFF PRESENT:
Susan Otto, Attorney

GUESTS & MEMBERS OF THE PUBLIC
Steve James, 4th Ward Councilor
Tom Price, Code Enforcement Officer
11 Others

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

Mr. de la Rosa moved to waive the reading of the legal advertisement. Mr. Pirro seconded the motion and it was unanimously approved.

PUBLIC HEARINGS:

4. Julia Kaulback **TM#: 055.-02-51.0**
201 Beverly Drive
Syracuse, New York 13219

Area Variance: Garage Addition in the front yard setback.

Julia Kaulback, the property owner, appeared before the Board to present her application. She explained that the original garage of the residence was converted into a dining room, so they are in need of a garage. Due to a hill in the rear of the property, they are seeking to build a 20' x 20' garage addition on the southwest corner of the existing home, which would extend into the front yard setback.

Mr. de la Rosa stated that because the property is on a hill, this is a feasible location for the addition, so he has no issue with the proposal.

Attorney Susan Otto inquired whether the front yard setbacks of the adjoining neighbors were similar. Ms. Kaulback stated that the one neighboring property has a similar setback and there is no neighbor on the side of the proposed garage addition.

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

3. AmeriCU Credit Union **TM#:040.-01-12.0**
5212 West Genesee Street
Camillus, New York 13031

Area Variance: Installation of a non-illuminated sign on face of building

Mr. de la Rosa moved to set the public hearing for December 5, 2017. Chris Lansley seconded the motion and it was unanimously approved.

Jeffrey Canarelli, representing AmeriCU, appeared before the Board to present the application. AmeriCU is seeking to install a 64' aluminum, non-illuminated sign on the south-facing gable of the building. Mr. Canarelli stated the current digital monument sign goes unnoticed, and AmeriCU desires to have the building sign for better visibility.

Because a similar request came before the Board in 2012, Mr. de la Rosa questioned whether the circumstances have changed since then. Alexander Gerson, Financial Center Manager of the Camillus location, stated that they have received feedback from their customers noting it is very difficult for the public to identify their location, especially in the winter months when snow accumulated.

Chairman Feyl remarked that they could easily remove the snow around the sign or relocate the sign to another place on the property, alleviating the visibility problem. He added that the Board went through the application in detail the last time it came before them and the requirements of LBO zoning, specifically the limitations of the size of the sign out front and the fact that no sign can be placed on the building were explained and accepted by the applicant at that time. He explained that the Board cannot change the sign regulations for an LBO district as the laws are in place for the protection of the surrounding properties.

Ron Belle, Senior Management Team of AmeriCU, cited the precedent of NBT Bank located a short distance away, which is zoned LBO and has a sign on its building. Chairman Feyl explained that the entire strip referenced was originally zoned commercial, which allows for a sign on the front of the building. At the last minute, the surrounding neighbors contacted the Town Board with concerns about that, and the Town Board changed the zoning of that corner property to LBO. However, the variance for the NBT Bank sign had already been granted. Ms. Otto added that the Board considered this information in 2012, when AmeriCU first came before them on this matter.

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

3. Leon DeCecco **TM#:007.1-02-09.0**
3345 Armstrong Road
Warners, New York 13164

Use Variance: Multiple family residence in an R-3 district

Mr. de la Rosa moved to set the public hearing for December 5, 2017. Mr. Pirro seconded the motion and it was unanimously approved.

Attorney James DiStefano appeared before the Board, representing Leon and Jacqueline DeCecco. Mr. DiStefano advised that he was the DeCecco's attorney in 1983 when they purchased the property, noting that they were dealing with a number of other issues at the time and, due to an oversight, they were not aware the property was zoned R-3 and he has no recollection of any representations made by the former owners about the zoning.

He stated that after the DeCecco's purchased the property, Mr. DeCecco's parents lived in the in-law apartment for 4 years. Since then, the small one bedroom apartment has been rented to non-family individuals over the years and, currently, Mr. & Mrs. DeCecco are the only ones that reside at the property.

The property is approximately 3015 square feet and sits on approximately 2 acres, which is similar to the surrounding properties on the same side of the road. He stated that the DeCeccos wish to sell the house as a multi-family residence, which is how they purchased it and have used it over the last 30+ years and noted it would be a financial hardship for them not to do so.

Chairman Feyl questioned the financial hardship the applicants claim. Ms. Otto stated that the applicants would need to provide proof of the financial hardship to the Board; Mr. DiStefano stated they were not prepared to do so tonight, but have the information and would be able to provide it.

Chairman Feyl stated the property is currently zoned R-3 and explained that the Town Board minutes from 1969 indicate a temporary exception was granted to change the zoning from R-3 to R-4 to accommodate the in-laws of the property owner at that time, but that the zoning changed back to R-3 when the property was subsequently sold. He stated that the Zoning Board of Appeals cannot change the zoning and the DeCeccos would need to go to the Town Board to request a zone change, suggesting the applicant contact their Town Board representative to pursue that.

Ms. Otto stated that with regard to the application for a use variance, the applicant will have to sufficiently satisfy the requirement of proving financial hardship.

Mr. de la Rosa moved to continue the public hearing to February 6, 2018. Mr. Pirro seconded the motion and it was unanimously approved.

4. Joshua Chagnon **TM#: 067.-03-24.0**
502 Whedon Road
Syracuse, New York 13219

Area Variance: Shed forward of the rear building line

This public hearing was continued from the November 7, 2017 meeting. Joshua Chagnon appeared to address his application. He is now seeking to build at 8' x 10' shed located forward of the rear building line. Sunoco visited Mr. Chagnon's property and marked the pipeline that goes through his property, and which has a right of way of 15' on either side of the pipeline. The proposed shed must be constructed 15' beyond the easement on either side of the pipe.

The proposed location of the shed is only 9' from the flag marking the pipeline. Chairman Feyl explained that the shed must be a least 5' from the house so, given what is proposed, where the pipeline is located, and the agreement made with Sunoco when he constructed his fence prohibiting structures in the right of way, the shed cannot be approved.

Ms. Otto stated she spoke with Ron Furman of Sunoco and was informed that the proposed placement of the shed was nowhere near the easement. Mr. Chagnon stated he was also given information from Sunoco indicating that his proposed location of the shed is not encroaching on the easement and expressed frustration that he believes he has Sunoco's approval for the location, but the Town is in disagreement about the location of the easement.

Ms. Otto remarked that the location of the easement is only one of the issues, the others being the two variances, one to allow the shed 39.5' in the front of the rear line of the house and the other to allow the shed 7.5' in front of the house.

Mr. Chagnon stated he was present when Sunoco marked the line and its representative informed him that he should not encroach on the flag. He gave an extra 9' of clearance assuming he was well beyond the easement.

Chairman Feyl noted that the first application submitted showed the pipeline in the right of way outside of the fence. Mr. de la Rosa expressed confusion whether the flags were marking the right of way or the pipe. The current drawing indicates the pipeline is directly under the swing set, and the fence is actually in the easement.

Tom Price, Code Enforcement Officer, stated that the flags Sunoco placed were to be on the centerline of the pipe and that, per the drawing, the proposed shed is not within the easement. He agreed that the multiple drawings differ from one another.

After further discussion about the conflicting information provided, the Board determined to continue the application and allow Mr. Chagnon to return with definitive numbers, accurate drawings, and a corrected survey. Mr. Chagnon requested a continuance until May.

Mr. de la Rosa moved to continue the application for May 1, 2018. Ms. Lansley seconded the motion and it was unanimously approved.

NEW BUSINESS

1. Chris Gardner **TM#: 021.-01-24.0**
5961 Breed Road
Warners, New York 13164

Area Variance: New home in side yard setback

Chairman Feyl moved to declare this a Type II action under SEQR and set a public hearing for January 2, 2018. Mr. Pirro seconded the motion and it was unanimously approved.

2. 42nd Associates (Rio Grande) **TM: 065.-04-10.0/1**
5407 West Genesee Street
Camillus, New York 13031

Use Variance: Signage

Mr. de la Rosa moved to declare this a Type II action under SEQR and set a public hearing for January 2, 2018. Ms. Lansley seconded the motion and it was unanimously approved.

MINUTES:
Mr. de la Rosa moved to approve the minutes of November 9, 2017 meeting. Mr. Pirro seconded the motion and it was unanimously approved.

VOUCHERS:
Ms. Lansley moved to approve the payment of the following voucher. Mr. Pirro seconded the motion and it was unanimously approved.

- Melvin & Melvin- legal services totaling $1080.00

CORRESPONDENCE:
None

COMMENTS OF THE BOARD
None

DECISIONS:

5. Julia Kaulback **TM#: 055.-02-51.0**
201 Beverly Drive
Syracuse, New York 13219

Area Variance: Garage addition in the front yard setback.

Chairman Feyl conducted the environmental impact assessment, determining that the proposed action will not result in any significant adverse environmental impacts.

Mr. de la Rosa moved to grant a 17.6' area variance to allow a garage in the front yard setback. Mr. Pirro seconded the motion and it was unanimously approved.

Mr. de la Rosa moved to grant a variance of 7'6" with regard to §602(C) (2), which requires a front yard of no less than 25' in depth. Mr. Pirro seconded the motion and it was unanimously approved.

2. AmeriCU Credit Union **TM#: 040.-01-12.2**
5214 West Genesee Street
Camillus, New York 13031

Area Variance: Installation of a non-illuminated sign on face of building

Mr. Pirro moved to grant the installation of a non-illuminated sign of the face of the building. Mr. de La Rosa seconded the motion. The motion was denied. The Board was polled:

Chairman Feyl – No
Chris Lansley - No
Steve Pirro - No
Richard de la Rosa - No

Motion denied.

ADJOURNMENT:
Mr. de la Rosa moved to adjourn the meeting at 8:24 p.m. Ms. Lansley seconded the motion and it was unanimously approved.

Respectfully submitted,

Theresa Garvey
ZBA Clerk

4

42nd Associates (Rio Grande)
Area Variance-Signage, 78

A

Allen Industries Inc-Area Variance-Signage, 1, 5
AmeriCU Credit Union
Area Variance-Sign, 73, 79
Armstrong Road #3345
Use Variance-Multiple Family, 73

B

Benenati, Mark
Special Use Permit-Home Occupation, 46, 52, 56
Bennett Road #167
Area Variance-Home Addition, **17**, 20, 24
Beverly Drive #201
Area Variance-Garage, 68, 71, 79
Breed Road #5917
Area Variance-Addition, 33, 44, 49
Breed Road #5961
Area Variance-New Home, 76
Breed Road #6028
Area Variance-Accessory Building, 48, 54, 58
Broadmoor Drive #203 1/2
Area Variance-Garage, 8, 12

C

Carducci, Robert
Area Variance-Garage, 28, 31, 35
Carroll, Pam
Area Variance-Garage, 48, 59, 62
Chagnon, Joshua
Area Variance-Shed, 64, 66, 75
Chapel Drive #127
Area Variances-Non-conforming Building and Front Yard Setback, 15, 19

D

DeCecco, Leon
Use Variance-Multiple Family, 73

E

Eaglecrest Drive #107
Special Use Permit-Home Occupation, 46, 52, 56

G

Gardner, Chris
Area Variance-New Home, 76
Giarrusso, Michael
Area Variance-Garage, 68, 70
Gilbert, Larry, 64
Area Variance-Garage, 62, 64, 65
Goldenrod Lane #127
Area Variance-Garage, 28, 31, 35

H

Hanks, Jacqlene
Area Variance-Shed, 56, 59, 63
Hevko, Andriy
Area Variance-Enclosed Porch, 26, 30, 35
Holy Family Church
Area Variances-Non-conforming Building and Front Yard Setback, 15, 19

J

Jane Drive #519
Area Variance-Garage, 62, 64, 65

K

Kaulback, Julia
Area Variance-Garage, 68, 71, 79
Kelley, James
Area Variance-Sunroom/Pole Barn, 31, 43, 49

L

Lauer, Steve and Tracy
Area Variance-Home Addition, 17, 20, 24

M

Male Avenue #203
Area Variance-Shed, 48, 54, 58
Marsh, Russell
Area Variance-Accessory Building, 48, 54, 58
Mullane, Joe
Area Variance-Addition, 33, 44, 49
Myron Road #317
Area Variances-Front and Side Yard Setbacks, 22, 25

O

Olympus Management
Interpretation-Mixed Use Building, 26, 31, 35, 42
Oot-Quinn, Kathleen
Area Variance-Garage, 8, 12

P

Pacer Way #104
Area Variance-Shed, 56, 59, 63
Panda Express

Area Variance-Signage, 1, 5
Patterson Avenue #124
Area Variance-Enclosed Porch, 26, 30, 35
Powers, Colleen
Area Variance-Shed, 48, 54, 58
Preventative Medicine Associates
Area Variance-Front and Side Yard Setbacks, 3, 9, 14

S

Sanderson Drive #102
Area Variance-Garage, 68, 70
SSB Properties, LLC
Area Variance-Directional Sign, 33, 44, 49
Szczech, John
Area Variances-Front and Side Yard Setbacks, 22, 25

T

Terrace Way #100
Area Variance-Garage, 48, 59, 62

V

Verizon
Use Variance-Microcell Antennas, 56, 61, 63

W

W Genesee Street #5399
Use Variance-Microcell Antennas, 56, 61, 63
West Genesee Street #3604
Area Variance-Signage, 1, 5
West Genesee Street #5212
Area Variance-Sign, 73
West Genesee Street #5214
Area Variance-Sign, 79
West Genesee Street #5407
Use Variance-Signage, 78
West Genesee Street #5415
Area Variance-Front and Side Yard Setbacks, 3, 9, 14
West Genesee Street #5425
Area Variance-Directional Sign, 33, 49
West Genesee Turnpike #2476
Interpretation-Mixed Use Building, 26, 31, 35, 42
Whedon Road #502
Area Variance-Shed, 64, 66, 75
Winchell Lane #6562
Area Variance-Sunroom/Pole Barn, 31, 43, 49

Z

Zimmerman, Frederick and Linda
Area Variances-Front and Side Yard Setbacks, 22, 25