

**Zoning Board of Appeals
1000 Woods Road
Solvay, NY 13209**

December 14, 2016

Members Present:

David Balcer – Chairman
Frank Smolen
David Tortora
Vincent Scarantino
Dominick Episcopo

Other Present:

Mr. Curtin – Town Attorney
Mr. Kolakowski – Town Councilor
Mr. Jerome – Town Councilor
Mr. Albrigo – Town Councilor

All Members present

Approval of October 2016 Minutes

1st – Mr. Tortora

2nd – Smolen

All in Favor

Approval for November 2016 Minutes

1st – Scarantino

2nd – Smolen

All in Favor

Chairman Balcer calls the December 14th, 2016 meeting to order 7:00 p.m. and asks for all cell phones to be turned off or placed on silent.

All matters heard by this Zoning Board of Appeals are in the form of a public hearing. Everyone who wants to be heard will be heard. Before speaking, we ask you clearly state your name & address or the company you represent.

New Case:

Appeal Case # 609- Pursuant to Section 240-18B. (5) Gasoline Station of the Zoning Ordinance of the Town of Geddes. At the **request** of Sonbyrne Sales Inc. (Byrne Dairy) at 575 State Fair Blvd Solvay, NY 13209 (T.M. #028.-01-06.1) located in an Industrial A: General Industrial Zoning District, for a 'Special Permit' for a "Gasoline Station" and related convenience store. The ZBA will take lead agency status for the purpose of S.E.Q.R and I would like to make motion that for the purpose of the NYS Quality Review (SEQR) this case will be determined to be an Unlisted Action, and will be given a negative declaration, unless otherwise advised by our council.

2nd – Mr. Tortora

All in Favor

Christian Brunelle presents his case. He states he is waiting for the NYS DOT for public sidewalks and access for the site. Gordan Stansbury- Traffic Engineer that will be doing a modify traffic study. He is working with Bill Lester – CFO/ vice president of Crucible Industries.

Chairman Balcer reads Site Plan considerations for the 'Special Permit' include: Is proposed use in compliance with all other applicable regulations of the 'Special Permit' chapter in the Zoning Code, inclusive of specific zoning district controls and controls applicable to all zoning districts and all other applicable local, state & federal regulations. He proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having unique cultural historical, geographical, architectural or other special characteristics. The proposed use is physically a visually compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect existing land use within proximity to the subject site. The other considerations are more site plan specific and therefore we rely on the Planning Board for their recommendation and referral.

Chairman Balcer mentioned concern about the proposed guard shack location to the property line not in compliance of the setback requirements. Mr. Curtin states that it will not be a matter with the ZBA but with Crucible to relocate the guard shack. Mr. Brunelle stated that he and Bill Lester spoke about it and will be moving the guard shack.

Mr. Espicopo asks about security external/internal measures Mr. Brunelle explain that there will be 25 cameras external and 12 internal on site.

Mr. Smolen asks if this will be an impact on the Lakeland store. Mr. Brunelle stated there will be a minimum impact on the store. Mr. Brunelle stated that there are no intentions on closing the Lakeland store that the store is in a community of itself.

- He raised the issue of the parking of customers behind the Lakeland store because of the overflow of parking lot.
- He question if the tractor trailers will be parking on Bridge St., Mr. Brunelle stated that there are more than enough room for parking.
- Mr. Brunelle said they will do a traffic study for the flow when the NY State Fair is going.

No audience comments, Chairman Balcer keeps the public hearing open and asks for a motion to refer to Planning Board. 2nd – Episcopo
All in Favor

Adjourned cases from October 2016

602: at the request of Michael Kempisty of 1187 State Fair Blvd. (T.M. # 019.-01-09.0) located in a Commercial C: Heavy Commercial Zoning District for an Interpretation of Section 240-39 A., B. & C. and the I-690 Billboard Overlay District of the Town of Geddes.

Chairman Balcer asks Mr. Kempisty if he would like to open all three cases. Mr. Kempisty agreed to open all three.

604: at the request of Michael Kempisty of 1187 State Fair Blvd. Syracuse, NY 13209 in regards to a building permit issued at (T.M. 019.-01-14.1) owned by Walter J. Gaworecki Jr. 1237 State Fair Blvd. Syracuse, NY 13209, located in a Commercial C: Heavy Commercial Zoning District, for an "Interpretation" of the Billboard Overlay District Zoning Code of the Town of Geddes as they relate to his building permit application to erect a billboard with attached L.E.D. digital display.

605: at the request of Michael Kempisty of 1187 State Fair Blvd Syracuse, NY 13209 in regards to a building permit issued at (T.M. # 019.-01-18.1) owned by AK Schmidt LLC 1175 State Fair Blvd Syracuse, NY 13209 located in a Commercial C: Heavy Commercial Zoning District, for an "Interpretation" of the above – mentioned Zoning Codes of the Town of Geddes as they relate to his building Permit application to erect a billboard.

Chairman Balcer reads from the New York State Zoning Board of Appeals- A Guide For Local Officials (2015) "Interpretations: The ZBA has the appellate jurisdiction to interpret the municipalities zoning regulations "Published by the Environmental Finance Center at Syracuse University.

Mr. Kempisty states his cases.

Mr. Kempisty stated that he is appealing the Zoning Law for regards of billboards. He stated that there is a time period between when the law is passed (January 12, 2016) and sent to the Secretary of State. He waited till the Secretary of State approved the law (January 13, 2016 – February 2, 2016) for the billboard law to submit his applications for billboard and Mr. Ribble submitted his a day after the Town Board approved the law. He needed to wait until the Secretary of State approved the law. That makes Mr. Ribble's applications were submitted under the old law that prohibits No Billboards.

Mr. Kempisty asked Mr. Curtin why he didn't follow through with his foil request. Mr. Curtin replied that he is here to represent the board not to answer his questions. Mr. Kempisty would like Mr. Curtin statement to be on file.

Mr. Kempisty is asking the Board to revoke Mr. Ribbles applications due to him submitting them when the old law was in effect.

Mr. Curtin asks Mr. Kempisty if he has anything in writing from the state DOT. Mr. Kempisty stated that he has emails from the State DOT.

Mr. Kempisty asks the board to keep the record open for 2 weeks and to close the hearing. Mr. Curtin asks Mr. Kempisty if he would like to keep the record open for him to obtain written documentation. Mr. Kempisty agrees.

Mr. Curtin gives him a deadline of December 28th, 2016 anything after that will not be acceptable to submit. Mr. Kempisty agrees.

Chairman Balcer wants Mr. Kempisty to have all his papers in order and submit specifically in writing what he wants the board to interpret relating to the approved permit applications.

Ed Michowski – states in paper that the state is in violation of putting up these billboards from the federal government. He asks Mr. Curtin to find out what the codes are. And asks who is responsible for if there is an accident and they say that the sign distracted me. Tax payer of Geddes, or the State or from the federal government? Mr. Curtin agrees to look into it.

