

Zoning Board of Appeals

Town of Geddes
1000 Woods Road
Solvay, NY 13209

November 16, 2016

October Meeting Minutes

Members Present:

Chairman- Dave Balcer
Frank Smolen
David Tortora
Vincent Scarantino
Dominick Episcopo

Chairman Balcer calls the October 12, 2016 meeting to order at 7:00 p.m. and asks for all cell phones to be turned off or put on silence. He recognizes members in attendance with Town Attorney – Paul Curtin.

First order of business was to approve September 14, 2016 ZBA minutes. He asked for corrections or changes. None

Motion to approve: Mr. Episcopo

Second: Mr. Tortora

All in Favor: Smolen/Episcopo/Tortora/ Scarantino/Balcer

Chairman Balcer opens the meeting to members and public stating 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 to clearly state your name and address or the company you represent.

There “3” adjourned cases for this meeting that will start with

Case #602

Case #604

Case #605

Case # 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., B.&C. and the I-690 Billboard Overlay District of the Town of Geddes.

Mr. Kempisty presented his case by starting with the board receiving a letter that he wasn't aware of. Secondly, spoke about his application being denied by Mr. Albrigo even with him submitting it after the effective date. He stated that Mr. Ribble's applications were filed a day after the Town approved the Billboard Law. With that makes Mr. Ribble's applications were submitted when the old law was in effect. Kempisty stated that the new law has to be filed with the Secretary of State before it comes into effect.

Mr. Kempisty stated that his application was denied because it didn't meet the setbacks required for a digital billboard. He mentioned that on the Towns Zoning map that Mr. Gaworecki's property- two setbacks in violation and four setbacks that violate Mr. Schmidt's property a total of 6 violations between both properties.

Mr. Kempisty added "What effective date of the law means" to the record and presented it to the board he also stated that his first case is based on Effective Date.

Chairman Balcer asked Mr. Kempisty if he agreed to his statement that the permits were not approved until after the effective date and Mr. Kempisty agreed.

Mr. Kempisty added to the file to case #602 the Town Code Overlay District Billboard Law. The law states

500' from an interchange

500' from an intersection

500' from a Residential area if illuminated

Mr. Kempisty showed Chairman. Balcer where Mr. Ribble's billboard is on the zoning map and it shows it's in a Residential area. He spoke about a "Stay in Place" with the filing of his "Interpretation" cases.

Mr. Kempisty adds the testimony from case #602 to case #604 and #605.

Mr. Curtin asked Mr. Kempisty if he needed more time to get his documents in order and if he filed an appeal with regards to this to get his permit instituted. Mr. Kempisty stated he needed four weeks and said No to the appeal.

Chairman Balcer opens case #604 and #605

Case # 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, N 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 w/ attached L.E.D. digital display.

Case # 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 a letter from Mr. Albrigo dated 8/1/2016 in regards to the appeal cases # 602, # 604 and # 605.

Geddes Zoning Board Chairman David Balcer
Members of the Zoning Board of Appeals

RE: Appeals of billboard at 1237 State Fair Blvd & Billboard located at 1175 State Fair Blvd

This letter is in response to the latest appeals of complainant Mr. Michael Kempisty regarding the above mention billboards. The Geddes Town Board adopted a Billboard Overlay District in January of 2016. There were three proposed billboard locations that the Overlay District addressed in its adoption, two of these billboards are referenced in this appeal. The Town Board and this office have been aware of some discrepancies in the model billboards and the local law adopted. One issue was discussed before the permits were issued, and yes, one after the permits was issued.

The Town Board is in the process of conducting a public hearing modify language of the Overlay District. That will satisfy the setbacks in both these issues.

- ❖ Regarding 1237 State Fair Blvd, the proposed billboard is a single faced LED. Although the appeal is vague, I believe the complainant Michael Kempisty is questioning the distance from the billboard to a residential district line as the code currently reads. Once this discrepancy was discovered a "Stop Work Order" was issued.

The code modification being reviewed by the Town Board is to change the current language that reads "1000 feet from residential or residential overlay district line" to read "1000 feet from all and any occupied buildings in a Residential district or residential overlay district".

The residential district in question is the National Grid Power line property that has no current occupied buildings. The power line at one time was unclassified zoning wise and through the zoning map reconfiguration is now labeled residential. The intent of this code is to protect occupied residential structures and their residents from the effects of the billboard, not to protect the National Grid Power line and the far larger electrical towers.

This issue will be resolved with the new legislation.

- ❖ Regarding 1175 State Fair Blvd, this is a double faced non – illuminated billboard. The owner wishes it to illuminate.

The code requires non illuminate billboards to be 350' feet from occupied buildings in a residential district or overlay district. As a non – illuminated billboard this complies with code. However, illuminated billboards must be (current regulation) 500' from residential district line. The new legislation would require the billboards to be 450' from occupied buildings in a residential district. The billboard sits approximately 460' from the occupied building and about 440' from the district line. That location is 307 Lakeside Rd.

The new legislation will resolve this issue. In regards to the comments that the 1175 State Fair Blvd billboards do not comply with the setbacks regarding intersections. Section IV. Of current code states "Billboards shall not be erected within 500' of an interchange, intersection, safely rest stop, or information center". This section applies to major arterials and/ or highway and does not apply where two side streets that meets or where State Fair Blvd bends and continues into State Fair Blvd. My discussions with NY State D.O.T. officials that regulate (drafted similar from NY Regulations) is regarding large intersections that are controlled by lighting devices, with the potential of the sign distracting drivers entering those lighted intersections. If the Town accepted the idea that where every two streets meet is an intersection by this definition then no billboards would be able to be constructed. In conclusion, I respectfully request the Zoning Boards be patience in allowing the Town Board to modify the regulations as that address these issues and deny the appeal of the complainant Mr. Michael Kempisty.

Respectfully- Peter Albrigo

Mr. Curtin submitted Mr. Kempisty's written documentation for the support of his appeals to address the letter of 8/1/16 addressed to the board from Mr. Albrigo.

Mr. Kempisty submitted the board his interpretation of the setbacks from his observations at 1175 State Fair Blvd.

Chairman Balcer makes a motion to adjourn all three cases # 602, # 604 and # 605

Second: Tortora

All in Favor- Smolen/Tortora/Episcopo/Scarantino/Balcer

No new cases

Motion to close the meeting

First: Tortora

Second: Smolen

All in favor- Smolen /Tortora/Episcopo/Scarantino/Balcer

Time is 8:00 p.m.