

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
November 8, 2017**

November 13, 2017

Members Present:

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

Also Present:

Donald Doerr- Town Attorney
Peter Albrigo- Code Enforcement Officer

Chairman Balcer Calls the November 8, 2017 meeting to order at 7:00 p. m. and asks for all cell phones to be placed on silent.

All Members Present

Approval for October 2017 Minutes

Chairman Balcer asked for two corrections on the minutes.

1st – Tortora

2nd – Scarantino

All in Favor

Opposed- NONE

Motion – Carried

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 that you clearly state your name and address or the company you represent.

Appeal Case # 621 - at the request of Thad Kempisty of 1187 State Fair Blvd Syracuse, NY 13209 in regards to a building permit issued at 1237 State Fair Blvd (T.M. # 019.-01-14.1) located in a Commercial C: Heavy Commercial Zoning District , for an “ interpretation” of the above – mentioned Zoning Code of the Town of Geddes as it relates to the building permit application issued at that address for a double sided billboard sign with the eastbound side being an LED digital face and the west bound side with a static face and lights up pursuant to Section 240-19.2 A., C. (3), l.(1) & K . And 240-39 A., B., & C. of the Zoning Ordinance of the Town of Geddes.

Mr. Michael Kempisty asks the board if they would postpone this case and do his appeal case # 618 first and then go back to appeal case # 621.

Appeal Case # 618 - At the request of Michael Kempisty of 1187 State Fair Blvd Syracuse, NY 13219 in regards to a building permit issued at 1237 State Fair Blvd (T.M. # 019.-01-14.1) located in a Commercial C: Heavy Commercial Zoning District, for an “ Interpretation” of the above – mentioned Zoning Code of the Town of Geddes as it relates to the building permit application issued at 1237 State Fair Blvd for a double sided billboard sign with the eastbound side being an LED digital face and the westbound side with a static face up lights, specifically where it states “if the authorized sign has not been installed within 180 days from the date of issuance of the permit, then the permit shall expire, and a new application must be made for any sign work”.

Chairman Balcer states that this case was left open the last two meetings at the request of the applicant. Once was to negotiate with the other billboard owner. Mr. Kempisty, what is the outcome of that negotiation and do you have anything further to add? Mr. Michael Kempisty states there is no outcome of the negotiation.

Chairman Balcer makes known this is an opposed act for the S.E.Q.R form of a Type II action 617.5 (C) 31.

Mr. Michael Kempisty adds additional items to his case. He presents the board with a packet with definitions of Overlay Districts and Intersections. He reads portions of the packet.

Mr. Kempisty talks about setbacks and that it’s one of the issues in his appeal. He also reads about the Billboard Overlay.

Mr. Doerr asks Mr. Kempisty for what he would like to submit to his Interpretation

- 1.) All billboards must be 500 feet from any intersection or interchange – Town of Geddes Local Law
- 2.) Power lines
- 3.) 270 feet from a Residential Zoned properties
- 4.) 348 Lakeside Road (019.-01-28.0) –Geddes Local Law states Residential Zoned District- the minimum distance of any Digital billboard from any all Residential, recreational or Senior Citizen Residential Overlay Districts shall be seven – hundred fifty feet (750). The billboard is 633’5” where the code states it must be 750 feet
- 5.) 360 Lakeside Road (019.-01-29.0) – Residential Zoned, billboard is 746’4” where the code states 750 feet.

Lisa Weaver from Weaver Law Firm represents JLR Properties- asks the board what decision are we appealing and was that appeal filed within the sixty days the time the decision was rendered? If not, there is no need to entertain it.

Mr. Peter Albrigo – Town Code Enforcement Officer reads to the board the Billboard Overlay Districts -§ 240-19.2 and speaks about Article 7- (Definition). The question is does the 240-39-c (Zoning Regulation) apply to billboards? Answer is “NO”.

Cathy Luteran – 316 Ontario Ave- speaks about the ordinances of the Town and laws being customized for one resident.

Mr. Kempisty talks about Mr. Ribble's application 1237 State Fair Blvd for a static billboard submitted on January 13, 2016 and how it was utilized, being used and then altered into a digital billboard without submitting a new application for a permit for the alteration according to the Town Local Law 240-39 (A) - 1.

Chairman Balcer asks Ms. Weaver what was Mr. Ribble's delay of putting the original billboard? Ms. Weaver replies that he was waiting for the Approval of the State Permit.

Mr. Tortora addresses to Ms. Weaver that he would like to have the dates of when the state approved the digital billboard and for the static. Ms. Weaver states that there are two parts of the approval - 1. For static billboard and 2. For digital billboard.

Chairman Balcer makes a motion to keep the public hearing open and to adjourn it to next month meeting for Mr. Kempisty can submit additional papers to his interpretation until the next meeting. Mr. Tortora would like the information on the state when they approved the digital billboard. Ms. Weaver states that the state approved the digital billboard on July 16, 2016 for his application of a static and then amended into a digital. She doesn't have the date of when it was amended to digital.

2nd - Smolen

All in Favor

Opposed - NONE

Motion - Carried

Adjourn Appeal Case # 621-

Mr. Kempisty asked for a postponement until the next meeting?

Mr. Doerr states that the board should start the case to get it started and for Mr. Michael Kempisty to present the case on behalf of his brother Thad Kempisty.

Mr. Kempisty asks for a recess of 10 minutes for he can get prepared for the case. The Zoning Board agrees.

Recess began at 9:06 p.m.

Resumed @ 9:16 p.m.

Mr. Kempisty asked the board for a postponement of this case because he needs time to be prepared because it is a whole different case than his.

Mr. Doerr replies to Mr. Kempisty and tells him to explain his Interpretation to the board.

Chairman Balcer asks Mr. Kempisty for a better explanation on his brothers Interpretation on what his is about.

Mr. Kempisty directs the board about Special Circumstances for Mr. Ribble's billboard and talks about Geddes Local Law 240-8(A). The type of use changed from a static to a digital on or around June 10, 2017.

Chairman Balcer asks Mr. Albrigo if there was any complaints filed at the Code Enforcement office for the billboard shining into their window of 1187 State Fair Blvd. Mr. Albrigo states that he has not received any complaints of lighting issues of that property and if received a complaint the code office will analyze the complaint and do a thural investigation and if violation is found he will bring it up to the billboard owner and will address it accordingly. At this time my office isn't aware of the situation at this point.

Mr. Tortora stated that he went on 10/22/2017 around 5:20 a.m. to 1187 State Fair Blvd and seen no reflection on the house coming from the billboard. He did notice that the property across I-690 W (old P&C warehouse) has major illumination lights beaming over to property.

Mr. Albrigo addresses to the board about Setbacks and how they have been ruled on by this board but still are talking about it. It has been ruled on, now it's time to move forward and stop going back to the same thing, we have to progress. My office is invent dated to new projects on what's going on now.

Ms. Weaver – there is a question raised about the fact about the Commercial District references the sign law. When the code was written and the billboard district overlay didn't exist. Of course the commercial districts had to comply with the sign law. The sign law deals with the name of a company that is on the building, parking spaces, and entrance and exit signs. So, yes of course commercial district has to comply with the sign law that doesn't then say yes the billboard can go there because it's a Commercial District. The billboard district reference the fact it complies with the Federal, State and Local Town Laws.

Chairman Balcer asks the board for someone to make a motion on this case to adjourn until the next meeting.

1st – Smolen

2nd- Tortora

All in Favor

Opposed- NONE

Motion – Carried

Chairman Balcer asks the board for someone to make a motion to close the meeting.

1st – Episcopo

2nd – Scarantino

All in Favor

Opposed- NONE

Motion - Carried

Meeting closes at 10: 02 p.m.