

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

April 17, 2017

Members Present:

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

Guest Present:

David Herkula – Town Attorney
James Jerome- Town Council
Susan La Fex- Town Council
Robert Fanelli- Planning Board Chairman

Chairman Balcer calls the April 12, 2017 to order, announces starting time 7:00 p.m. and ask that you please silence your cell phones.

All Members Present

Approval of March 2017 Minutes

Motion to Approve Minutes

1st – Episcopo

2nd – Scarantino

All in Favor

Opposed – NONE

Motion – Carried

All members have visited the sites on the agenda.

Chairman Balcer states that he received 8 new emails regarding Fastrac . He would like to state that Fastrac has withdrawn their application for 3201 W. Genesee St. He has received verbal from the applicant and will be sending a letter of resignation.

New Case:

Appeal Case # 613- At the request of Adnan Khawaja of 96 Grandview Ave Nanuet, NY 10954 for a “Use Variance” for a gas station and convenience store at 3111 W. Genesee St Syracuse, NY 13219 (T. M. # 037.-01-01.1) located in a Residential A: Single Family Residential District pursuant to Section 240-40 A & B of the Zoning Ordinance of the Town of Geddes.

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 – Tortora

All in Favor

Opposed – NONE

Motion – Carried

This applicant was before our board back in July 2016 for a “ Special Permit” to operate a gasoline station with a convenient store under the “Professional & Office Overlay District” Incentive District which would have allowed this use within the guidelines set forth in that code. The applicant spent time, money and a significant amount of time working with the Planning Board as well as our board to meet the stringent requirements the code required, making it have a residential feel to the appearance. The Planning Board was close to making a positive referral back to the ZBA for the final approval I believe. The applicant started the process of actually purchasing the property, which he now owns under the entity- Genesee Inc.

Chairman Balcer reads a letter from the County Planning into record.

1. Per the New York State Department of Transportation, the applicant must close the westernmost driveway onto W. Genesee St, and the remaining driveway must be modified to a right -a -way out only driveway only to meet New York State Department of Transportation standards. A state highway work permit is required for any work within the state right – a – way.
2. The applicant must submit a lighting plan to be approved by the New York State Department of Transportation and the Town to ensure there is no glare or spillover onto adjacent properties or the State right-a-way.

The Board also offers the following comments:

1. Every municipal review provides the opportunity to improve community appearance, and the applicant and the municipality are encouraged to improve the compatibility of this site with the nearby traditional neighborhood as much as possible, including traditional and residentially compatible architectural details for buildings and signage, reducing pavement where possible, increasing traditional landscaping and providing for pedestrian access to this and adjacent sites and neighborhoods along the corridor, including sidewalks and street trees along road frontages.
2. The applicant is encouraged to continue to retain as much vegetative buffer as practical as part of any proposed development, in order to minimize negative effects on adjacent residential properties.
3. The applicant must submit a lighting plan to ensure there is no glare or spillover onto adjacent properties or right-a-way.
4. The Onondaga County Department of Water Environment Protection asks that the applicant contact their department early in the planning process to determine sewer availability and capacity.
5. The applicant is encouraged to reduce storm water runoff and improve storm water quality as much as practical by reducing impermeable surfaces and utilizing green infrastructure.

Tom Pietzik presents the case and also states that they will be providing a lighting plan.

Mr. Tortora has a concern about the size of the sign.

Norman Boyce – 201 Dorchester Rd – who has the final say on the storage tanks?
NYDEC – has the final say.

Chairman Balcer makes a motion to refer to the Planning Board – April 26th, 2017

2nd – Smolen

All in Favor

Opposed- NONE

Motion- Carried

Appeal Case # 614- At the request of Ryan Cabiles of 601 Church St at 605 Church St (T.M. # 023.-08-01.0) located in a Residential A: Single- Family Residential Zoning District, for an “ Area Variance” pursuant to sections 240-42B.(1) to erect a 6’ high stockade fence in the required 30’ front yard on a corner lot with two front yards 30’ out into the entire required front yard where a 4’ high 50% opaque fence is only allowed.

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 – Scarantino

All in Favor

Opposed – NONE

Motion- Carried

Mr. & Mrs. Cabiles present their case:

Mr. Tortora is concerned about the turn off Dubiel Ave the view of coming traffic is obstructed. He states to take back 5’ past the trees or drops the size of the fence to 4’.

Mr. Smolen states that he agrees to place the fence beyond the trees.

Mr. Scarantino agrees with the two options from Mr. Tortora for them to consider.

Mary Lowe- 120 Meadow Rd – stated would it be an option to have the fence at an angle.

Chairman Balcer makes a motion to adjourn the case to the May 10, 2017 meeting.

2nd- Scarantino

All in Favor

Opposed – NONE

Motion - Carried

Appeal Case # 615- At the request of Cynthia Austin d/b/a Heavenly Glass of 106 Albernathy St Liverpool, NY at 100 Stinson St Syracuse, NY 13209(T.M. # 018.-04-12.0) located in a Residential A: Single – Family Residential Zoning District, for a Use Variance to operate a stain glass studio to produce, sell and offer small class instruction for hobbyist pursuant to section 240-11 A. & B of the Zoning Code of the Town of Geddes.

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 – Tortora

All in Favor

Opposed – NONE

Motion – Carried

Attorney – Mr. Abraham presents the case: he received a letter from the town engineer about the parking and backing out of the parking lot onto the street was an issue. He states that the applicant doesn't anticipate having more than 3 or more cars in the parking lot.

Chairman Balcer reads a letter into record from the Town Engineer –

David Balcer, Chairman,

Town of Geddes Zoning Board of Appeals

Re: Use Variance, Heavenly Glass, 100 Stinson St.

Dear Dave;

I have reviewed the plans for the above project. If the Board chooses to grant a use variance, I suggest several changes to the parking layout. As currently drawn, the handicapped accessible parking space does not meet current state standards, which require that all spaces be van accessible, i.e. the space plus adjacent striped out area needs to be 16 feet wide. While I appreciate that they are showing parking spaces outside of the right-of-way, cars will still be backing out into the street. I have attached a sketch of a layout that would let cars enter and exit the street without backing. It also provides for some additional green space, which would be desirable for this site given the currently large amount of impervious area.

Regarding the Short EAF, Question 5a should be No, Question 5B should be N/A. Question 12B should be Yes, but since the site has been previously disturbed this will not have a significant negative impact. Question 14 should be suburban. Question 15 should be yes, but again there will be no additional disturbance so no significant negative impact.

Very truly yours,

William D. Morse, Town Engineer

Chairman Balcer states that he researched the property by asking Mr. Albrigo – Code Enforcement Officer to look into the file and there was never a “Use Variance” granted on the property. Mr. Albrigo stated that he does not know how the site became to be. He did find two Area Variances for an addition.

Mr. Abraham – the Town's research shows that the property has always been a Commercial Property.

Chairman Balcer asks about the EAF where it says name the product and it says stain glass/ auto shop. He wants to clarify that it is not part of the application and for auto shop be removed.

Mr. Smolen asks about the numbers of employees and if they have any current classes now?

Mr. Abraham states that there will not be any employees and no classes at this time.

Mr. Scarantino asks about the feedback from the residents in the area of the proposal?

Mr. Abraham states that there have been compliments on how they are approving the exterior.

Mr. Tortora states he went and visited the site and the parking lot was full concerning it was full he realized that auto shop was included in the EAF. He asked about the equipment that they will be using.

Mrs. Austin explains about her equipment.

Mr. Smolen asks will there be a dumpster required, what materials are required, and any deliveries?

Mrs. Austin states that NO dumpster will be used. She uses every bit of material and the deliveries will be local UPS or Fed Ex.

John Fritzen- 120 Curtis Ave – Against – wants the property to be residential.

Gary Richardson – 334 Long Branch Rd- Approve- No noise ever

Mary Barton-102 Stinson St – Against- witnessing tow trucks bringing vehicles onto property, she is the adjoining property and hears and sees everything from this property and wishes for the application not be granted.

Chairman Balcer makes a motion to refer to the Planning Board for their referral.

2nd – Smolen

All in Favor

Opposed – NONE

Motion – Carried

Motion to close the meeting

1st- Episcopo

2nd – Tortora

All in Favor

Opposed – NONE

Motion – Carried

Meeting closed at 7:58 pm.