

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

August 15, 2017

Members Present:

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

Others Present:

Don Doerr- Town Attorney

Chairman Balcer calls the August 9, 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 July 2017 Minutes

1<sup>st</sup> – Scarantino

2<sup>nd</sup> – Episcopo

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 & address or the company you represent.

- **Adjourn Case # 615:** At the request of Cynthia Austin d/b/a Heavenly Glass of 106 Albernathy Street Liverpool, NY at 100 Stinson Street 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 stained glass studio to produce, sell and offer small class instruction for hobbyist.

This case was closed at the May meeting & adjourned at the last meeting by request from the applicant's attorney.

Chairman Balcer reads a correspondence from the applicant's attorney Mr. Abraham asking to adjourn the case to the September meeting. For he can obtain proper affidavits from the prior owners.

Chairman Balcer makes a motion to adjourn

2<sup>nd</sup> – Tortora

All in Favor- Smolen – Favor, Scarantino – Favor, Episcopo- Favor, Tortora- Favor, Chairman Balcer – Favor

**Appeal Case # 618:** -At the request of Michael Kempisty of 1187 State Fair Blvd Syracuse, NY 13209 in regards to 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 westbound side with a static face and 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 reads a correspondence from Mr. Michael Kempisty to adjourn the case to the September meeting.

Chairman Balcer makes a motion to adjourn and to keep open.

2<sup>nd</sup> – Smolen

All in Favor- Smolen – Favor, Scarantino- Favor, Episcopo- Favor, Tortora- Favor, Chairman Balcer- Favor

Appeal Case # 619:- at the request of Phillip Mark Shirley at 108 S. Terry Road Syracuse, NY 13219 (T.M.# 036.-12-01.0) located in a Residential A: Zoning District , for an Area Variances to erect a 6’ high stockade fence in the required 15’ front yard on a corner lot where a 4’ high 50% opaque fence is allowed. Applicant is seeking to erect the fence out to the property line on the Dorchester Road side pursuant to Section 240-42B. (1) & 240-11C. (2)(e) of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer makes a reference that the application entails 3(three) variances

- 1). the fence is going all the way to Dorchester road
- 2). the fence is going to be 100% opaque when the code states only 50% opaque
- 3). the fence is 6’ high when the code states it should only be 4’ high

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.

2<sup>nd</sup>- Scarantino

All in Favor

Opposed- NONE

Motion – Carried

The applicant presents their case.

Mrs. Shirley states that they are asking for a variance for a 6' fence that is 90% completed after submitting a building application and the approval, after learning a miscommunication on installing the fence. The reason for the fence is for security for our dog, children, and to prevent form people wondering into our yard.

Mr. Shirley presents and explains about the property line and how he measured. There is a severe slope and they want to utilize as much flat space they can get.

Chairman Balcer asks the board if they had a chance to visit the site.

All members have visited the site.

Attorney Don Doerr – why do you need 6' and not 4' would do?

Mrs. Shirley – for security and privacy.

Janet Dlugolenski- 100 Dorchester Rd speaks on behalf of the Shirley's and has no problem with the fence.

Chairman Balcer addresses the standards of proof:

1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? -  
Smolen- no  
Scarantino – no  
Episcopo- no  
Tortora- no- mentions about the trees being a natural buffer to where the fence will be going and likes the idea of the trees being there.  
Chairman Balcer- no
2. Can the applicant achieve his goal by some other feasible method?  
Smolen- agree  
Scarantino – agree  
Episcopo- agree  
Tortora- agree  
Chairman Balcer – agree- gaining flat area from slope and pool and to have a 6' fence for safety.
3. Is this requested Area Variance substantial?  
Smolen- yes- 6' solid fence  
Scarantino – yes  
Episcopo- yes  
Tortora- yes  
Chairman Balcer- yes- with 14' distance not full 15' distance
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? **NO**

5. Is the alleged difficulty self – created? YES, applicant is proposing erect a fence in an area not allowed by code.

Smolen – yes

Scarantino – yes

Episcopo- yes

Tortora- yes

Chairman Balcer- yes

-  
Based on the findings of fact, would someone like to make a motion to Approve this case?

1<sup>st</sup> – Smolen

Chairman Balcer makes a motion to add it will be 14' not 15' stated by the applicant on their application.

Chairman Balcer states a condition that (in substantial compliance with Exhibit "A".) from the Site plan survey.

With the 3 mentioned variances.

1). the fence is going all the way to Dorchester road

2). the fence is going to be 100% opaque when the code states only 50% opaque

3). the fence is 6' high when the code states it should only be 4' high

2<sup>nd</sup>- Scarantino

All in Favor

Against – NONE

Smolen – in favor

Scarantino – in favor

Episcopo- in favor

Tortora- in favor

Chairman Balcer- in favor

**Variance granted**

Motion to close the meeting

1<sup>st</sup> – Tortora

2<sup>nd</sup> – Episcopo

All in Favor

Opposed – NONE

Motion – Carried

7:25 p.m.