

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

DRAFT

January 18, 2017

Members Present:

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

Other Present:

Mr. Thomas Cerio- Town Attorney
Mr. David Herkala, Esq.
Mr. Alex Pobedinsky, Esq.
Mr. Jim Jerome – Town Councilor
Mr. Mark Kolakowski – Town Councilor
Mr. Ed Weber – Town Councilor

All members present

Chairman Balcer calls the January 11, 2017 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silence or to be turned off.

First order of business was to approve the minutes from the December 14, 2016 ZBA meeting.

1st - Episcopo
2nd - Tortora
All in Favor

Chairman Balcer takes a moment to acknowledge Mr. Smolen being granted another 5 year term.

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 & address or the company you represent.

New Cases – NONE

Adjourned cases from November & December meetings

Case # 608 – At the request of Damon Martineau (Affordable Goods & Services, LLC) at 325 Bridge Street Solvay, New York 13209 (T.M. # 027.-04-02.1) located in an Industrial A: General Industrial Zoning District, for a “Special Permit” pursuant to Geddes Town Zoning Code Section 240-18 B.(2) and (3) for a Motor Vehicle sales, service & repair for a business that buys and sells surplus construction, farm and heavy equipment as well as trucks with a N.Y.S registered repair shop.

Chairman Balcer reads a letter from the Geddes Planning Board recommending their approval of the Site Plan for the Special Permit. He also puts into record a letter from Onondaga Planning Board referral.

Mr. Martineau presents the board with a Site Plan and other documents. He speaks about the County Planning Board letter and asks for an explanation of their referral. Chairman Balcer explains that Bridge Street is a State road and the Town has no jurisdiction on that road in regards to curb cuts.

Chairman Balcer asks the board if they have any questions or comments.

Mr. Tortora asks about the size of the sign and the proposal on the storage shed.
Mr. Martineau explains the size of the sign and the setbacks for the shed are 10 feet, a change from 5 feet.

Mr. Smolen states the change of the storage shed from 30x65 to 30x85.

Chairman Balcer asks the audience if they have any questions. **NONE**

Chairman Balcer closes the public hearing and makes a motion to APPROVE the Special Permit for the application based on the three (3) items from the County Planning Board, letter from Town Engineer, SEQR form, Site Plan – Michael Mc Cully 12-26-16, and data sheet.

1st - Balcer

2nd – Tortora

All in Favor – Special Permit was approved.

Chairman Balcer – States we have 3 adjourned cases from the same applicant, Mr. Michael Kempisty. At the December 14, 2016 meeting we closed the Public Hearing portion of these three cases, but kept the record open per our legal counsel to allow the applicant to make a final submission to the ZBA by December 28, 2016. The ZBA received the applicant's final written submittal dated December 28, 2016, relative to all 3 adjourned cases, and Mr. Balcer makes a recommendation to open all three cases in order to add the final written submittal to the to the record.

Motion to reopen all three

1st – Episcopo

2nd – Smolen

All in Favor

Chairman Balcer states that Mr. Albrigo the Town's Code Enforcement Officer is not present to provide additional testimony due to the fact that Mr. Albrigo was granted an Order of Protection against the applicant Mr. Kempisty. Mr. Balcer asks the applicant if he acknowledges that Mr. Albrigo does have a current Order of Protection against the applicant. Mr. Kempisty acknowledges that Mr. Albrigo does and asks if Mr. Albrigo is using that purpose to not be present.

Chairman Balcer reads Cases # **602**: request of Michael Kempisty of 1187 State Fair Blvd Syracuse, NY 13209 (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.

604: request of Michael & Virginia 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 a “Interpretation” of the above – mentioned zoning code of the Town of Geddes as they relate to his building permit application to erect a 12” x 28” billboard w/ attached L.E.D. digital display.

605: request of Michael & Virginia Kempisty of 1187 State Fair Blvd Syracuse, NY 13209 in regards to a building permit issued at 1175 State Fair Blvd (T.M. # 019.-01-18.1) located in a Commercial C: heavy commercial zoning district for an “Interpretation” of the above- mentioned zoning code of the Town of Geddes as they relate to the building permit application to erect a billboard.

Chairman Balcer asks Mr. Kempisty if he has any other information or comments to add to the final written submittal dated December 28, 2016 received by the ZBA.

Mr. Kempisty asks Chairman Balcer if the opening of the hearing was advertised.

Chairman Balcer replies – NO

Mr. Kempisty asks if he was notified of the opening of the hearing.

Chairman Balcer replies – NO

Mr. Kempisty states he thinks it is required.

Mr. Kempisty states about the Order of Protection that Mr. Albrigo had enough time to come in when he requested it and if Mr. Albrigo is using the Order of Protection to protect himself from testifying? Mr. Kempisty states “That’s Ridiculous”. That is what transpired throughout this process. Mr. Albrigo made a big mistake and doesn’t want to fess up is Mr. Kempisty’s opinion. With the Order of Protection there were two (2) board members present and states that Mr. Albrigo came after him and Mr. Kempisty swore at Mr. Albrigo (no doubt about it). Mr. Kempisty asks Mr. Thad Kempisty if he witnessed it and Mr. Thad Kempisty agreed. Mr. Michael Kempisty states that there are 2 board members that will testify to it as well. Mr. Kempisty cannot approach them but will figure a way. Mr. Albrigo is trying to do what he can. Mr. Kempisty is going to file an action against Mr. Albrigo. In 2009, during a trial illegally perjured himself before Judge Mathews. Mr. Kempisty has a documented letter from Mr. Albrigo in 1999 stating that Mr. Kempisty had a “Use” at 1187 State Fair Blvd. Mr. Albrigo told Judge Mathews during the trial that there was “No Use”. It’s all documented. The judge made his decision based on Mr. Albrigo’s interpretation and based on Mr. Albrigo’s statement in the record. Mr. Kempisty has the transcript of the record all part of an appeal. Mr. Kempisty states that “Now that is perjury and it’s a felony.” Mr. Kempisty is going to file the papers with the DA very shortly with regards to it. He states that “Mr. Albrigo tried to pin something ridiculous on me and all I wanted him to do is to be present before the ZBA Board and which Mr. Balcer you had the right to do that,” and Mr. Kempisty showed Mr. Balcer the papers to have the right

to compel witnesses and Mr. Albrigo is important to this whole thing because he is the one who made all the decisions. Mr. Kempisty would like to state for the record and would like the ZBA Secretary to put it down verbatim.

Chairman Balcer asks the board for any comments or questions from the board. -NONE
He asks if there are any public comments that would like to be heard.

Resident Tracy Baum – Wicks from 3200 W. Genesee St -states that she came to the meeting because Mr. Kempisty's cases were to be discussed. She has been following the cases for many months now on his objections publicly his request publicly at Board meetings to have information that he requested through FOIL. She states that the experiences with Mr. Albrigo are an abusive power towards me as a citizen. She states that she is concerned about it. She states if Mr. Kempisty rights are appalled then her rights are too.

Chairman Balcer asks if there are any more comments, with no further questions or comments, Mr. Balcer and makes a motion to close the public hearing.

1st - Balcer

2nd – Smolen

All in Favor

Chairman Balcer states that the ZBA will reserves its decisions on Case #602, Case # 604 and Case # 605, in order to complete the review of the applicant's December 28, 2016 final written submission.

With no further business, Chairman Balcer requested a motion to close the meeting at 7:24 pm

1st – Tortora

2nd – Scarantino

All in Favor