

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

March 9, 2017

Members Present:

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

Guest Present:

Dave Herkula- Town Attorney
Thomas Cerio- Town Attorney
Mark Kolakowski – Town Council Jim
Valenti – Town Council
Dan Krawczyk – Town Council Edward
Weber – Town Council
Jerry Albrigo – Acting Supervisor
Bob Fanelli – Chairman Planning Board
2 members of Planning Board

Chairman Balcer calls the March 8, 2017 meeting to order, announces starting time 7:00 p.m. and ask that you please silence your cell phones.

All Members Present

Approval of February 2017 Minutes

Chairman Balcer would like to make an addendum to include the actual decisions found from the ZBA on Appeal Cases # 602, # 604, and # 605.

Mr. Scarantino makes comment for the first paragraph to change of name (Episcopo) to Scarantino regarding the paragraph of Mr. Albrigo allegedly perjured himself. And to point out the whole paragraph of the comments directed about Mr. Albrigo are all interpretations of the petitioner and they all should be noted as allegations.

Chairman Balcer makes a motion to accept the minutes of February 2017 as amended.

2nd – Scarantino

All in Favor

Opposed - NONE

Chairman Balcer states with the amount of correspondence that our board received in regards to the new cases we have on our agenda tonight, I wanted to take a few moments to read form the Geddes Town Code what the Zoning Board of Appeals decisions must be based on for both an Area Variance and a Use Variance. I would also like to stress what NYS legislation calls for the proof required by a Use Variance applicant. I state this also for the applicants benefit.

New Case:

Appeal # 610

A public hearing pursuant to Section 240-42 B. (3) & 240-42 C. of the Zoning Ordinance of the Town of Geddes.

At the request of Electrical Guard Dog, LLC for property owner Old Dominion Freight Line, LLC at 201 Farrell Road Syracuse, NY 13219 (T.M. # 017.-03-02.3) located in a Industrial A: Zoning District, for a Area Variances to erect a 10' electrified security fence where in an industrial districts 8' high is the maximum allowed in the side and rear yards and electrified screening devices (fences) are prohibited.

Applicant asked per message to open the case to consider the variance and the ZBA has to make a determination whether the board can act upon the variance.

The ZBA will take lead agency status 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 – Smolen

All in Favor

Opposed – NONE

SEQR – PASSED

Chairman Balcer makes motion to deny this variance because as a board we are unable to grant a variance for a “prohibited” item by the code. All four members agree.

2nd – Tortora

All in Favor

Opposed – NONE

Chairman Balcer would like to as a board that we suggest that the Town Board should considered looking at this section of the code and considered amending it if they want to allow these types of fences in commercial or industrial zoned parcels in the Town.

All in Favor

Therefore we are unable to consider the second part of the variance in regard to height.

Closed Case 7:11 pm

To open both cases # 611 & # 612 at the same time since they are related.

Appeal Case #611

A public hearing pursuant to Section 240-40 A. & B. of the Zoning Ordinance of the Town of Geddes.

At the request of Fastrac LLC (as authorized by property owners James 7 Arlie Carr) at 3201 W. Genesee St Syracuse, NY 13219 (T.M. # 036.-08-05.1) located in a Residential A: Single Family Residential District, for a ‘Use Variance’ for a “gasoline station” with a ‘retail business’ (convenience mart) and a “drive – in service facility” (fast food restaurant). This parcel was originally granted a Use Variance for just a gasoline service station on or about February 19, 1971. The applicant is looking to expand the uses.

Appeal Case # 612

A public hearing pursuant to Section 240-11 D. (3) (a), 240-28 B. (7) (a), (11) & (13), 240-30 B. (5), 240-30 B. (7) (b), 240-30 B. (7) (c), 240-38 B. (1), & 240-42 B. (1), of the Zoning Ordinance of the Town of Geddes.

At the request of Fastrac LLC (as authorized by property owners James & Arlie Carr) at 3201 W. Genesee St Syracuse, NY 13219 (T.M. # 036.-08-05.1) located in a Residential A: Single Family Residential District, for 'Area Variances' for a "gasoline station" with a 'retail business' (convenience mart) and a "drive – on service facility" (fast food restaurant). The gas pump canopy is required to be 40' back from Terry Rd and is only 20' , the required parking spaces is 59 and 26 is provided, no parking is allowed in the required front yards of both W. Genesee Street and Terry Rd , snow storage is not allowed in the front yard or public right – a – way and applicant shows no area for storage, a landscape buffer is required to be installed and maintained on all sides where a parking area abuts adjoining properties or public right – a – way a minimum of 5' of the property line and applicant does not have this on all sides, for a non- residential use in a residentially zoned district the code allows two (2) signs up to 20 sq ft in area per sign with two (2) street frontages and applicant is proposing four (4) signs for a total of 176.7 sq ft, the freestanding sign is not allowed to exceed 6' tall and proposed sign is 13'-10" tall, the freestanding sign is required to be a minimum of 5' off the property line and applicant is proposing it to be 2.8' off the W. Genesee Street property line, & applicant is proposing the dumpster enclosure screening device in the required front yard of Terry Road where it is not permissible.

The applicant wants to demolish the current service station and rebuild a new one that also has a convenient store and a drive – thru restaurant. In order for the applicant to achieve this, they are required to seek a Use Variance at this parcel. Also, the applicant is seeking many large Area Variances for their proposal.

Chairman Balcer stressed that this parcel already has a Use Variance granted for a "gasoline service station" dated February 19, 1971. Also states that the use Variance was originally denied, but the matter was heard before the Supreme Court of the State of New York in the County of Onondaga which over turned that denial on December 27, 1970. The court ordered the ZBA of the Town of Geddes to issue the Use Variance for a "gasoline service facility".

The Town can't deny a 'gasoline service facility' to operate at this location at any time now or in the future unless it becomes abandoned for a period of time. However, first of all the applicant is seeking to increase the previously allowed use with the convenience store and drive – thru restaurant, that requires additional consideration of a Use Variance. Secondly, the applicant is seeking to replace the building, add new signs and change the Site Plan layout. This allows us to review that and see how it complies with the Zoning District requirements. We can also factor in what would be required of the use in a district where it would be allowable in regards to the requirements.

Matt Naparella- site engineer, Christian Hill- site engineer, and Brett Hughes – Fastrac director of real estate present their case and introduces Mr. Mrs. Carr – owner of 3201 W. Genesee St.

Christian Hill speaks about the Area Variance requirements:

1. Fuel Canopy
2. Buffer Area
3. Parking Spaces
4. Snow Storage
5. Dumpster Enclosure

Mr. Hill stated Fastrac is willing to work with the ZBA to create something to fit into the neighborhood.

Chairman Balcer asked about the distance from the drive – thru to the neighbor’s property line. He also asked about what type of screening device would be in place.

Mr. Smolen is concern about the dumpster enclosure and the retaining wall.

Mr. Tortora mentioned the proposed time of the drive-thru operating hours, 6:00 am – 10:00 pm. Then after closing there will be tables and chairs outside for customers when they close the store.

Mr. Scarantino speaks about the undesirable change that this project is going to have on the neighborhood. He asks Mr. Hughes if he is willing to eliminate the drive – thru and the 24 hour. He states that it will not fit into this neighborhood. Mr. Hughes states that he is not willing to eliminate any of the amenities because this is their motto and characteristics of Fastrac. All stores are equipped with 24 hours and with the new Café` they would like to equip to it as well.

Chairman Balcer points out that they have not received the County Referral 239 response yet.

Chairman Balcer reads a letter from the Town Engineer.

Chairman Balcer acknowledges the correspondences by name and address of the neighboring site. He received 20 emails from the neighbors that oppose.

Audience comments:

Peter Barkley- 20 Dorchester Rd- Against – he states that there is really no game plan on the noise, sound, and light pollution on the particular plan. He would to have on record that he just bought his home 10 months ago and he would have not bought the home if there was a Fastrac on that site.

Susan Honey- 3207 W. Genesee St – Oppose- her sister states about the noise, sound and lighting pollution. They aren’t amused with the all night traffic that will be going on. They have been putting in money to beautify their property to have it look nice. If this proposed plan goes through, they will lose the value of the house.

Maureen Martin – 104 Parsons Dr – Oppose- states that the property at 3201 W. Genesee St is zoned Residential “A”. The requested uses by Fastrac far recede for what is allowed right now.

Marie Ann Meaker- 108 Dorchester Rd – Oppose- states that people use Dorchester Rd to cut across to get onto the ramp to 690 now if this becomes a Fastrac Dorchester road will become a racetrack with the access of traffic.

Lou Anne Darlington – 504 Grove Rd- Oppose- the traffic now is congested now at times with more traffic due to Fastrac will be overwhelming and concerned about the drive – thru and 24 hours.

Paul Sherman – 202 Dorchester Rd – Oppose - speaks about the public safety.

Josephine Thomas – 186 Timber wolf Circle – Oppose- asks about the State DOT input on the traffic implications. What are the traffic implications if it is approved?

Representative of -3202 W. Genesee St - Approve - speaks about a “No Change” petition for 3201 W. Genesee St was signed by the neighboring property owners a year ago and with No Change left for Mr. & Mrs. Carr to do is to shut it down sell it as a residence or to sell the property as a gas station. That is what they did. From Terry Rd to Wegmans should be zoned Commercial.

David Colavita – 107 Rutledge St – Oppose

John Manazono – 102 Fay Rd- agrees that the property should be zoned Commercial and the Town needs to understand it’s a Change of Time now.

Kathy Fadrizzi – 303 S. Terry Rd – Oppose- does not want any change. If you change it to a fast food, drive – thru and if Fastrac ever leaves, the property will be left as a fast food, drive –thru and any fast food company can come in.

Mary Jane Osier – 122 Timber wolf Circle – Oppose

Janet Lasale - 19 Dorchester Rd – some bend ability regards to the drive – thru. Her concern is Cut Through, and it already exists on her property. This will be a major concern with my family about people cutting through her yard.

Paul Valenti – Town Council - understands the tension about this proposal and the neighbors that are very close that are concerned. He understands that it isn’t Mr. Carr’s best option but for Mr. Carr it is the only option to sell it to a business that is 24 hour and serves fast food. Mr. Valenti states that the only options are for Mr. Carr is to sell it to Fastrac or maybe to nobody and it sounds like NOBODY because no one wants a Fastrac. What’s hard for him to swallow is that letting a guy for 40 years serve my neighborhood just goes bankrupt. Then he states to start a” Gofundme” account and buy the parcel and make it a green space.

No more comments

Chairman Balcer keeps both of these cases open and refers them to the Planning Board and leaves the SEQR Determination open till the next meeting.

Chairman Balcer makes a motion

2nd – Tortora

All in Favor

Opposed – NONE

No adjourned cases

Motion to close the meeting

1st – Episcopo

2nd – Smolen

All in Favor

Opposed – NONE

Close meeting 8:25 pm.