

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

May 15, 2017

Members Present:

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

Guest Present:

David Herkula- Town Attorney

Chairman Balcer calls the May 10, 2017 meeting to order, announcing starting time 7:00 p.m. and ask that you please silence your cell phones.

All Members Present

All members have visited the sites on the agenda.

Appeal Case # 616- at the request of Alex Vasilev of 153 Bennett Road Camillus, NY at 354 Long Branch Road Syracuse, NY 13209 (T.M. 018.-04-06.1) located in a Residential A: Single Family Residential Zoning District, for a Use Variance to turn the single family residence with attached office space to a two family residence pursuant to Section 240-11. 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- Smolen

All in Favor

Opposed – NONE

Motion – Carried

With this being a Use Variance for a two family residence- No Site Plan Issue to consider and we will not be referring it to the Town Planning Board.

Chairman Balcer reads a portion from the Onondaga County Planning Board regarding this case and a note from Mr. Peter Albrigo – Geddes Code Enforcement Officer about the history of the building.

Mr. Gary Valerino – attorney representing NAV Real Estate (Alex Vasilev) presents the case.

Town Zoning Board adjourns case#616 to the next month meeting June 14, 2017.

Chairman Balcer makes a motion to close the public hearing
2nd – Espicopo
All in Favor

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

Chairman Balcer reads a portion from the Town referral letter from the Geddes Planning Board and the Onondaga County Planning Board regarding the case.

Mr. Tom Piascik – representative for Adnan Khawaja - presents the case.

Mr. Adnan Khawaja reads a letter describing the standards of proof to the Board.

Chairman Balcer asks about the approvals from the DOT and the Town Planning Board? Mr. Piascik states that he has a permit submitted and a letter stating that the traffic impact study is acceptable and the right in, right out drive – way at the far east of the property.

Chairman Balcer asks if the DOT accepted the permit. Mr. Piascik states “NO” they have not.

No Board questions at this time.

Michael Kempisty 1187 State Fair Blvd – approve – for the Board to look favorably on this application.

Peter Barclay- 28 Dorchester Rd – Support this project

Jim Jerome – Approve

Ryan Cabiles- 601 Church St – Approve

Chairman Balcer states that there are two things missing from this application –
1) - Site Plan- completion
2) – DOT final Approval

Chairman Balcer makes a motion to keep the public hearing open until the next meeting June 14, 2017.
2nd – Tortora
All in Favor
Opposed – NONE
Motion – Carried

Case # 614- At the request of Ryan Cabiles of 601 Church Street (TM # 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.

Mr. Ryan Cabiles presents his case.

Chairman Balcer states that he does not see any visibility issue, but states the board is tasked with granting the least variance to accomplish the applicants’ goal.

Mr. Smolen states he was out at the site and he agrees with the applicant. He also states another alternative would to put up a stop sign up on Dubiel Ave.

Mr. Scarantino talks about the photos Mr. Cabiles presented to the board. He believes that the sight distance is still an issue or put a stop sign up on Dubiel Ave.

Mr. Tortora states he agrees with Mr. Scarantino. He also states that Mr. Cabiles to move his fence back or have 4' tall 50% maximum opaque design.

Ron Morgan -99 Dubiel Ave – speaks about the distance from the road is 22 feet; the distance from Dubiel Ave to the fence is about 70 feet. There is more than adequate site line for anyone turning on or off that road. The firmly stands with Mr. Cabiles and approves.

Sylvia Ragonese- 100 Dubiel Ave – suggested to put a stop sign on Dubiel Ave and approves

Chairman Balcer reads a part of a letter from the Town Planning Board and Onondaga County Referral.

Zoning Board goes over the Standards of Proof:

- 1) Will an undesirable change in the character be produced in the neighborhood?
1. Answer from the board- **NO, due to the unique location of this property, there will be no significant change.**
- 2) Can the applicant achieve their goals in another reasonable alternative so as not to require the variance?
Answer from the board- **NO, the applicant is seeking to make the most secure yard area he can for the safety of his children.**
- 3) Is the variance substantial?
Answer from the board – **Yes, they are seeking the maximum relief.**
- 4) Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood?
Answer from the board– **No the fence will have no Environmental Impact**
- 5) Is this a self-created difficulty?
Answer from the board- **Yes, applicant is seeking to do something not permissible by code.**

Chairman Balcer makes a motion to close the public meeting and Approve for the fence.

1st – Balcer

2nd – Episcopo

All in Favor

Opposed – Mr. Scarantino

Mr. Tortora

Motion- **Granted**

Appeal Case # 615- at the request of Cynthia Austin d/b/a Heavenly Glass of 106 Abernathy Street Liverpool, New York 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 pursuant to section 240-11 A. & B. of the Zoning Code of Town of Geddes.

Chairman Balcer reads sections from the Town Planning Board and from the Onondaga County Planning Board.

Mr. Abraham (attorney for the applicant) - presents the case.

Mr. Episcopo asks if they will be using this building to construct stain glass and have classes. Question about the rest of the building, Will they still be using it for storage?

Chairman Balcer states the application is for the studio not for storage.

Mr. Abraham stated that Mr. Albrigo said it could be used for storage.

Mr. Smolen asks about the days and hours of operation.

George Keeler- 202 Kies Dr- Retired director of Planning for the Town of Salina and former Commissioner of Planning of the Town of Clay. Speaks about Self – Created Hardship and that it must be denied on that basis.

Mary Barton- 102 Stinson St- states that she does not want another business to go in there. She rather have it vacant then to have another business to go in there.

Carol Shepard- 129 Summit Ave- states that the board cannot let it to stay vacant. Have a good business there that will maintain the property.

Chairman Balcer gives the choice to Mr. Abraham to keep the public hearing open or close. He keep asks to keep it open.

Chairman Balcer makes a motion to keep the public hearing open and adjourns it to the next meeting – June 14, 2017.

2nd – Smolen

All in Favor

Opposed – NONE

Motion to close the meeting

1st – Episcopo

2nd- Scarantino

All in Favor

Opposed – NONE

Meeting closes at 8:22 pm.