

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

REVISED- October 12, 2017

September 21, 2017

Members Present:

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

Other Guest Present:

Don Doerr- Town Attorney
Susan LaFex- Town Councilor

Chairman Balcer calls the September 13, 2017 meeting to order at 7:04 p.m. and asks for all cell phones to be placed on silent.

All Members Present

Approval for August 9, 2017 Minutes

1st – Scarantino

2nd- 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.

Appeal Case #620 – At the request of Electric Guard Dog, LLC for property owner Old Dominion Freight Line, Inc. at 201 Farrell Road Syracuse, NY 13209(T.M. # 017.-03-02.3) located in an Industrial A: Zoning district, for a Special Permit to erect a 10' tall electrified security fence pursuant to Section 240-42.C of the Zoning Ordinance of the Town of Geddes.

The Z.B.A. 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

Chairman Balcer makes mention of a letter from the Town Engineer that was forwarded to applicant and the applicant was able to make all the changes and amendments of the SEQR Form and submitted to the Board and Town Engineer.

Cindy Williams- Applicant for Electric Guard Dog, LLC presents the case. She states that she has been working closely with the staff, committee and the Town to come up with a suitable code that allows insulation of security fences in the Town with conditions. With one of the conditions is that each condition come before the Zoning Board of Appeals for they will know where they are going to each separate committee. The fence will be installed with compliance with the new law.

Chairman Balcer asks about the drawings on the site plan review application stating that the electric fence will be installed 6” from the existing fence. With the code it states 2’ from the existing fence.

Town Attorney – Don Doerr reads the Town code that was accepted from the Secretary of State.

Ms. Williams states that the electric fence needs to be 3” - 12” because it attaches on the gate and cannot put a pole 2’ feet off the gate and there be any cons ability opening the gate. You do not want to change the way the gate opens. It attaches with both connectors on the gate so when the gate opens it swings with gate. If you put the fence 2’ there would have to have two gates. The applicant does not two gates because the emergency responders would have to go through both gates.

Mr. Doerr states that the reason why the code is 2” feet is for when someone or a child tries to put their hands through the fence they will not touch the electric fence. He states that if the applicant doesn’t ably by it. Then they would have to go for a variance.

Ms. Williams states that if we install the fence 2’ feet from the existing fence we would create an “Entrapment Zone” and the company does not want that.

Mr. Doerr recommends that the Zoning Board PASS the Special Permit contingent on the submission and approval of the Hold harmless and Indemnity Agreement and the certificates of insurance required by the Geddes Town Code.

Ms. Williams added a request for an Area Variance to put the fence 12" from the existing fence and ask for an adjournment.

Mr. Scarantino asks for a hard copy of the liability insurance and it to be added to the conditions.

Mr. Tortora wants to know the amps of the electric fence not the volts.

Mr. Doerr recommends the Board to go through the five findings for this case for the proposal SUP.

1. Is the proposed use in compliance with all other applicable regulations of Chapter 240-25, inclusive of specific zoning district controls applicable to all zoning districts, and all other applicable local, state and federal regulations?
Smolen-no
Episcopo- no
Scarantino – no
Tortora- no
Chairman Balcer- No
2. Will the proposed use have an adverse impact upon the character or integrity of any land use within the immediate neighborhood?
Smolen- no
Episcopo- no
Scarantino – no
Tortora- no
Chairman Balcer- no
3. Will the proposed use be physically and visually compatible with and not impede the development or redevelopment of the general neighborhood or adversely affect existing land use within proximity to the subject site?
Smolen – no
Episcopo- no
Scarantino – no
Tortora- no
Chairman Balcer- no
4. Will the proposed use generate any adverse environmental impact upon surrounding properties?
Smolen- no
Episcopo- no
Scarantino – no
Tortora- no
Chairman Balcer- no
5. Does the proposal meet all the qualifications specific to §240-42© for "Electrical Security Screening Device/ Fence."
Smolen – yes
Episcopo- yes

Scarantino – yes

Tortora- yes

Chairman Balcer- yes- except the 2' feet code

Based on the findings of fact, Chairman Balcer makes a motion to adjourn the case to next month meeting

2nd- Scarantino

All in Favor

Against – No

Motion - Carried

(In substantial compliance with “Exhibit ‘A’.)

Appeal Case #621- at the request of Thad 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 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 west bound side with a static face and lights up pursuant to Section 240-19.2 A., C. (3), l.(1) & K. and 240-39 A., B., & C. of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer states he received an email from the applicant asking for an adjournment to next month meeting.

Chairman Balcer makes a motion to adjourn the case to October 10th, 2017 meeting

2nd – Tortora

All in Favor

Opposed- NONE

Motion – Carried

Mr. Doerr made a comment about the case#621 that the Board did not issue a Public Hearing after speaking with the chairman. He states that Mr. Thad Kempisty is asking for an Interpretation of the Code but it seems he is asking for an Appeal which would go through an Article 78. With Mr. Balcer’s permission he would like to speak with the applicant Mr. Thad Kempisty and ask him what exactly is he asking for and how is this concurrent to his brother Mr. Michael Kempisty case # 618.

Appeal 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 pursuant to Section 240-11 A. &B. of the Zoning Code of the Town of Geddes.

Chairman Balcer states that he received an email from the applicants Attorney Mr. Abraham that Mrs. Austin is withdrawing her application at this time.

Chairman Balcer makes a motion to deny this application without prejudice for this applicant will have an opportunity to come back to the Board and resubmit under the same criteria.

2nd – Scarantino

All in Favor

Opposed- NONE

Motion – Carried

Appeal Case # 618- A Public Hearing pursuant to Section 240-39 C of the Zoning Ordinance of the Town of Geddes.

At the request of Michael Kempisty of 1187 State Fair Blvd Syracuse, NY 13219 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 an “ Interpretation” of the above – mentioned Zoning Code of the Town of Geddes as it relates to the building permit application issued at 1237 State Fair Blvd for a double sided billboard sign with the eastbound side being an LED digital face and the westbound side with a static face 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 states he received an email from Mr. Michael Kempisty for an adjournment to the next meeting October 10, 2017.

Chairman Balcer makes a motion to adjourn the case

2nd- Episcopo

All in Favor

Opposed- NONE

Motion- Carried

Chairman Balcer asks for a motion to close the meeting

1st – Smolen

2nd- Episcopo

Opposed- NONE

Motion- Carried

Meeting closes at 7:51 P.M.