

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

June 19, 2017

Members Present:

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

Guest Present:

David Herkula- Town Attorney
Robert Fanelli- Planning Board Chairman
Susan La Fex- Town Council

Chairman Balcer calls the June 14, 2017 meeting to order, announcing time at 7:27 p.m. and ask that you please silence your cell phones.

All Members Present

Approval of the April 12, 2017 minutes.

1st –Episcopo
2nd – Scarantino
All in Favor
Opposed – NONE
Motion- Carried

Approval of May 10, 2017 minutes

1st – Smolen
2nd- Tortora
All in Favor
Opposed – NONE
Motion – Carried

All members have visited the two new sites on the agenda.

Chairman Balcer states all matters heard by the 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 # 609- pursuant to Section 240-18 B. (5) Gasoline station of the Zoning Ordinance of the Town of Geddes

- At the request of Son Byrne Sales Inc. (Byrne Dairy) at 575 State Fair Blvd, Solvay , New York 13209(T.M. # 028.-01-06.1) located in an Industrial A: General Industrial Zoning District, for a 'Special Permit' for a " Gasoline Station" and related convenience store.

Chairman Balcer reads documents he received

- Referral from the Town Planning Board- Site Plan Review
- Final Detailed Sheet – dated 6/3/17- Plumbing Engineering
- Landscaping Plan – C 301 – dated 5/ 2017- Plumbing Engineering
- Lighting Lay Out- RL- 4647-S1- R1 – dated 5/26/17 – Greg & Leonard Associates
- Traffic Impact Study- dated 5/4/17 – JTS Consulting

Based on the acumens of the documents and the recommendation from the Planning Board for the opposed site (Byrne Dairy) located at 575 State Fair Blvd & Bridge Street be “APPROVED”.

Chairman Balcer reads the letter from County Planning Board and County DOT.

Mr. Brunelle presents his case.

Mr. Scarantino- what are the hours of operation?

Mr. Brunelle - 24 hours 7 days a week.

Chairman Balcer – do you have all of the DOT Approvals?

Mr. Brunelle – conceptual approval

Mr. Smolen – Traffic Study during a non-fair study. What about during the fair?
Crosswalk across State Fair Blvd near the Guard shack.

Mr. Brunelle- County will have to put a crosswalk.

Mr. Smolen – will this store make an impact to the Lakeland Store?

Mr. Brunelle – NO

No Public Comments

Chairman Balcer makes a motion to close the Public Hearing and to Approve the “Special Permit” with one condition.

- Town Board to approve the Subdivision for in order of the site plan to be in effect.

Chairman Balcer states based on the drawings and the traffic study that the Planning Board detailed in the letter are all subjects to compliance with this approval.

2nd – Tortora

All in Favor

Opposed – NONE

Motion – Carried

Appeal Case # 611- a public hearing pursuant to Section 240-A. &B. 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 Street 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.

Chairman Balcer reads a letter from the applicant regarding withdraw of all applications regarding the Fastrac LLC.

Michael Kempisty – 1187 State Fair Blvd- what exactly happened really to the Fastrac?

Chairman Balcer makes a motion to close the public hearing.

2nd- Smolen

All in Favor

Opposed – NONE

Motion – Carried

Chairman Balcer Accepts the withdrawn letter form Fastrac, LLC.

Appeal Case #613 – A public hearing pursuant to Section 240-A. &B. of the Zoning Ordinance of the Town of Geddes.

- At the request of Adnan Khawaja at 3111 W. Genesee Street Syracuse, NY 13219 (T.M. # 037.-01-01.1) located in a Residential A: Single – Family Residential District, for a “ Use Variance” for a “gasoline station” with a “ retail business” (convenience mart.)

Mr. Piascik-(Piascik Engineering) represents Mr. Khawaja and he presents his case.

No Public Comments.

Chairman Balcer makes a motion to close the Public Hearing.

2nd – Episcopo

All in Favor

Opposed – NONE

Motion - Carried

Chairman Balcer addresses the Board with the Standards of Proof for a Use Variance.

All Agreed

Chairman Balcer makes a motion to approve the Use Variance.

2nd – Tortora

All in Favor

Opposed – NONE

Motion – Carried

Use Variance – GRANTED

Appeal Case # 615- A public hearing pursuant to Section 240-A. &B. of the Zoning Ordinance of the Town of Geddes.

- 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.

Mr. Abraham presents the case.

No comments from the Board.

George Keeler- 202 Keis Dr- speaks about unnecessary hardship and unique circumstances. The property was never zoned Commercial always have been zoned Residential.

Mr. Abraham responded to the board about Mr. Keeler’s statement.

Michael Kempisty – 1187 State Fair Blvd states that the property looks like a Commercial property and give the owners some relief to have their business.

Mary Barton – 102 Stinson St she has lived through all the different businesses and it has been Torture. She asks for some relief as a neighbor and resident.

Gary Richardson – 304 Long Branch Rd states that he has lived there for over 30 years and Approves that Heavenly Glass would be a great business to have in the neighborhood.

No comments from the Board.

Mr. Herkula asks if Mr. Abraham has submitted everything to the board on June 14, 2017 and wants it to be part of the evidence to the record.

- Letter of Memorandum
- Letter from the Town of Geddes for a Use Variance granted in July 10, 1971.
Mr. Abraham agrees

Chairman Balcer makes a motion to close the Public Hearing

2nd – Smolen

All in Favor

Opposed – NONE

Motion – Carried

Chairman Balcer makes a motion to adjourn the case till July 12, 2017 meeting.

2nd – Tortora

All in Favor

Opposed – NONE

Motion - Carried

Appeal Case # 616 – a Public Hearing pursuant to Section 240-11 A. &B. of the Zoning Ordinance Of the Town of Geddes.

- At the request of Alex Vasilev of 153 Bennett Rd Camillus, NY at 354 Long Branch Rd 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.

Chairman Balcer addresses the Board with the Standards of Proof for a Use Variance.
All Agreed

Chairman Balcer states that accordingly with the Hardship of this case was self-created and the Variance application must be Denied.

Chairman Balcer makes a motion to deny the variance.

2nd- Episcopo

All in Favor

Opposed- NONE

Motion – Carried

Use Variance – DENIED

Appeal Case # 617- a Public Hearing pursuant to Section 240-38 C. (2) (b) of the Zoning Ordinance of the Town of Geddes.

- At the request of Greg Fishel of Allied Sign Company for the ‘Shoe Show mega Store’ at 4671 (4635-4729) Onondaga Blvd Syracuse, NY 13219 (T.M. # 055.-01-02.3) located in a Commercial A: Shopping Area Zoning District, for an Area Variance to increase the allowable wall signage from 49 s. f. to 84.3 s. f.

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

Mr. Greg Fishel & Peter Kemp states the case.

Mr. Smolen asks about the hours of operation

Chairman Balcer addresses the Board with the Standards of Proof for an Area Variance.

1. No
- 2.- Debatable - Agree
3. - Border line- Agree
4. – Agree
5. - Agree

Chairman Balcer makes a motion to close the Public Hearing
2nd – Scarantino
All in Favor
Opposed – NONE
Motion – Carried

Chairman Balcer makes a motion to Approve the Area Variance
2nd – Episcopo
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 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”.

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 – Tortora
All in Favor
Opposed – NONE
Motion – Carried

Mr. Kempisty presents his case.

Mr. Kempisty asked for a postponement of his case # 618 and is requesting Mr. Albrigo to be present at the next ZBA meeting.

Mr. Herkula asks Mr. Kempisty that he would like to postpone the case and to close the public hearing. Mr. Kempisty replied “yes” for postponement and to keep the public hearing open.

Chairman Balcer reads the June 8, 2017 Memorandum from Mr. Albrigo and a letter June 14, 2017 from Attorney Lisa Weaver that represents KMG Properties, LLC.

Mrs. Weaver states her case and asks for his Appeal to be Denied.

No comments from the Board

Chairman Balcer opens the Public Hearing

Roger Trombley Marcellus, NY – agrees with Mr. Kempisty and he is factual when he stated his case.

Cathy Ludgren- Geddes resident – speaks about 10 issues of a Town business owner is being far sided, and being treated as an unfair advantage. She is on Mr. Kempisty side. There has to be a Vision for the Town, need to set up expectations. Mr. Albrigo should be at the meeting to answer questions from his letter.

Brian Kempisty- Scarboro Dr Solvay, NY – speaks about the Memorandum Mr. Albrigo submitted to Mr. Michael Kempisty. He asks the Board why Mr. Albrigo isn't present. He approves the postponement.

Cathy Ludgren - Geddes resident- states that if it is true that the Board has the power to compel Mr. Albrigo to be present at the next meeting July 2017 meeting. Would like to know if that is something the Board will be doing?

Chairman Balcer makes a motion to close the meeting and to keep the Public Hearing "Open" till the next meeting July 12, 2017.

2nd – Tortora

All in Favor

Opposed – NONE

Motion - Carried

Chairman Balcer makes a motion to adjourn the case till the next meeting July 12, 2017.

2nd – Episcopo

All in Favor

Opposed – NONE

Motion -Carried

Meeting closes 10:03 p.m.