

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
November 14, 2018**

DRAFT

Members Present:

David Balcer- Chairman
David Tortora
Dominick Episcopo
Ron Benedetti
Frank Smolen

Also Present:

Donald Doerr- Town Attorney
Marty Kelley- Town Councilor

Absent: Nadine Wild- Secretary

Chairman Balcer calls the November 14, 2018 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

Approval of October 2018 Minutes

1st- Episcopo

2nd- Smolen

All in Favor (Balcer, Tortora, Episcopo, Benedetti & Smolen)

Opposed- NONE

Motion Carried- 5-0

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 clearly state your name & address or the company you represent.

Chairman Balcer asks the Board if they have visited the sites of the matters on the Agenda for this evening. All members have.

NEW CASES:

Appeal Case # 637- at the request of Jax Signs on behalf of Ben Weitsman & Son, Applicant (Weitsman Syracuse Realty, LLC, Owner), for premises located at 333 Bridge Street (T.M. # 027.-04-01.1) located in an Industrial A: General Industrial District for a new proposed 8'x 32' (320 SF) wall sign on the east elevation of the building which does not comply with the Town of Geddes Sign Code as it is greater than 100 SF and is proposed to be erected above the base of the roofline, and for such additional relief as may be necessary or appropriate. Pursuant to Section 267-A of the Town Law that the Zoning Board of Appeals of the Town of Geddes will hold a Public Hearing for Area Variance pursuant to §§240-38D.(2)(b) and 240-35 I. of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer opened the Public Hearing and states that the ZBA will take lead agency status for the purpose of SEQRA. Chairman Balcer then made a motion that for the purpose of the NYS Quality Review Act (SEQRA) that this case will be determined to be a Type II Action, and that no further SEQRA review is necessary, unless otherwise advised by our Attorney.

2nd- Tortora

All in Favor (Balcer, Tortora, Episcopo, Benedetti & Smolen)

Opposed- None

Motion – Carried 5-0.

James Tabber, President of Jax Signs in Endicott, NY, appeared on behalf of the Applicant and Owner, Ben Weitsman. He started by stating that the Owner, Mr. Ben Weitsman has already put in a considerable amount of money at this site. He would like to put up a 8' x 32' (320 SF wall façade sign which will go above the roof line. Mr. Tabber stated that they had originally proposed a ground sign by the fence along with the proposed wall sign and asked if the Board saw that.

Attorney Doerr stated that the application does not include a freestanding sign and that in this case a freestanding sign is not allowed for this Industrial Zoned property. He explained that under §240-38 D. (2) if the use was allowed in both an Industrial and Commercial District then §240-38 C. would apply and a freestanding sign would be allowed, but in “no event shall the total of the freestanding sign and the wall sign exceed 100 Square Feet.”

Attorney Doerr stated that if they wished to also install a freestanding sign that they would need additional variances depending on the size and dimensions of the sign they proposed. Based on the application in front of the Board this evening, the Applicant would need an area variance of 220 SF (Code allows for 100 SF, proposal calls for 320 SF) as well as an area variance under §240-35 I. to allow for the proposed wall sign to be installed “above the base of the roofline.”

Chairman Balcer asks the applicant, how they came up with the size of the sign for it being so close to the road? Mr. Tabber responded that Mr. Weitsman wanted a certain size of the lettering of Weitsman to be 24”, and so for the lettering to be 24” they designed the sign around the size of the lettering for it to be the size the client asked for. Chairman Balcer questioned why they needed 24” letters being so close to the road.

Mr. Doerr stated for the record that this matter was referred to the Onondaga County Planning Board (SOCPA), and in a resolution dated October 17, 2018 (OCPB Case #Z-18-311) SOCPA found that the referral will have no significant adverse inter-community or county- wide implications. The Board has offered the following comment(s):

Given the proximity of the building to the right-of-way, the applicant is encouraged to reduce the scale of the proposed sign or consider

installing a ground-mounted sign at the site driveway as an alternative.

Extensive discussion then ensued with the Board as to the viability of having the wall sign and who would be able to see it. It was the Board's recommendation that the applicant speak with Code Enforcement Officer Albrigo and consider amending their application by reducing the size of the wall sign and adding a variance for a free-standing sign at the entrance to the facility. Member Tortora stated that it will be hard to see the wall sign on the building and that it would be more feasible to ask for a variance and install a freestanding sign inside the fence.

Mr. Tabber states that to put a monument sign at the front gate would be hard due to the trees that would be blocking the sign and it's a small area to place a sign. Chairman Balcer further suggested on the free standing/entrance sign to put the address number on it for emergency responders with a smaller wall sign.

Mr. Tabber then asked that this matter be adjourned so that they can look at the possibility of adding a variance for a free-standing sign, as well as to determine where it should be located and to submit a new plan showing a much smaller wall sign.

Chairman Balcer asks for a motion to adjourn the case and keep the Public Hearing open until the next ZBA meeting on December 12, 2018.

1st – Smolen

2nd- Benedetti

All in Favor (Balcer, Tortora, Episcopo, Benedetti & Smolen)

Opposed-NONE

Motion- Carries 5-0.

ADJOURNED CASES:

Appeal Case # 634- at the request of Daniel Wolnik (Applicant & Owner) for property at 2522 W. Genesee Street Syracuse, NY 13219(T.M. # 035.-02-32.0) located in a Residential A: Single – Family Residential Zoning District for a Use Variance to operate a “Motor Vehicle Sales & Service Center”, and for such additional relief as may be necessary or appropriate pursuant to Section 267-A of the Town Law and pursuant to Section 240-11 A. & B. of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer states that the applicant, through his attorney, Mr. Robert Germain, asked for an adjournment to the next meeting December 12, 2018, as they will be presenting to the Geddes Planning Board on November 28, 2018.

Attorney Doerr stated for the record that the Board has received greater than 100 letters in opposition to this use variance and that a spreadsheet is being kept to keep track of the letters.

Chairman Balcer asked for a motion to adjourn the case and keep the Public Hearing open until the December 12, 2018 meeting of this Board.

1st- Episcopo

2nd- Tortora

All in Favor (Balcer, Tortora, Episcopo, Benedetti & Smolen)

Opposed-NONE

Motion- Carries 5-0.

Appeal Case # 618- 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”.

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 opens up the Public Hearings and announces that he received two letters from the applicants, both dated November 14, 2018:

RE: Case #618

Dear Mr. Balcer,

I wish to withdraw my appeal for Interpretation for Case # 618. You may remove it from your agenda at this time.

Thank You.

Sincerely,
Michael Kempisty

RE: Case # 621

Dear Mr. Balcer,

I wish to withdraw my appeal for Interpretation for Case # 621. You may remove it from your agenda at this time.

Thank You,
Thad Kempisty

Based on the above two letters, Chairman Balcer closes the Public Hearings for both cases and removes both cases as being withdrawn.

With no further business, Chairman Balcer asks for a motion to close the meeting.

1st- Benedetti

2nd- Smolen

All in Favor (Balcer, Tortora, Episcopo, Benedetti & Smolen)

Opposed-NONE

Motion- Carries 5-0.

Meeting closes at 7:38 p.m.