

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
September 12, 2018
DRAFT**

Members Present:

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

Also Present:

Donald Doerr- Town Attorney
Martin Kelley- Town Council

Chairman Balcer calls the September 12, 2018 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

Approval of August 2018 Minutes

Chairman Balcer has a correction on page 6 – 3rd paragraph stating he received two phone calls in support from residents. This should be changed to “Chairman Balcer states that he received two phone calls from residents asking questions and clarification about the case, they gave no support for or against the case.

1st- Member Smolen

2nd- Member Tortora

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.

Appeal Case # 632- at the request of Cynthia & Robert J. Neupert, Sr., Applicants, for premises located at 118 Curtis Avenue (T.M. # 018.-02-08.0) located in a Residential A: Single – Family Residential District for an Area Variance to allow the maximum lot coverage to exceed the allowable 25% to 32.5%, a 7.2% increase in allowable lot coverage, for a replacement and a new deck addition 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 an Area Variance pursuant to Section 240-11 C. (1)(c) of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer stated that he received written confirmation from the Neuperts dated August 27, 2018 that they are withdrawing their request for an area variance for total lot coverage. They still intend to replace the existing deck and will be submitting a new survey of the property to the Codes office. Chairman Balcer states that the case is withdrawn from the agenda and no further action will be taken on the case.

Appeal Case # 631- Area Variances pursuant to Section 240-38 D. (2) of the Geddes Town Code at the request of Kassis Signs on behalf of United Auto Supply, Applicant (1200 State Fair Blvd, LLC, Owner) for premises located at 1165 Van Vleck Road (T.M. # 019.-02-08.1) located in an Industrial B: Research Industrial District for a new proposed 5'x 84' wall sign on the north elevation of the building which does not comply with the 125 SF maximum total square footage of signage and other requirements of the Town of Geddes Sign Code (§240-32 et seq.), and for such additional relief as may be necessary or appropriate.

Chairman Balcer reiterated that this is a substantial request for a variance and that we must also consider a variance to allow an internally illuminated sign, since the code only allows for non-illuminated or illuminated by indirect light only, as stated last month. Further review of the sign code in an Industrial District, § D.(2)(b) & (c) allows one wall sign for identification facing the main road side and one additional for a corner lot for a total of two signs not exceeding 125 SF. The applicant is seeking 5 total wall signs. So this must be considered also for the variances being requested. Chairman Balcer stated that this Board received a letter from the applicant with attachments dated August 31, 2018 and that he questioned some of the dimensions and sizes of the signs in question. As a result, the applicant submitted a letter dated today (September 12, 2018) to the Board going over each of the signs on the premises as well as the dimensions of the signs. Chairman Balcer then asks for the applicant to please state his case.

Brian Bouchard (of CHA Consulting) appeared on behalf of the owner and the applicant, Kassis signs. He stated that at the last meeting they spent considerable time going over the Standards of Proof and justification for the area variances being requested. As Chairman Balcer stated, he did submit a letter today going over the dimensions of each of the signs and noted that the owner has decided, pending approval of the new sign, removing the 54 SF "Customer Pick-up / UAS" wall sign. He then went over the application and asked if any of the Board members had any questions.

Mr. Tortora stated that he went and did some field measurements of the sign and the measurements are a little different than the ones that Brian submitted in the letter. Discussion then ensued regarding the size of the existing signage. It was then agreed by all that the size of the "Lowe's" building wall sign is actually 30 SF and not 18 SF as stated in the 9/12/18 letter.

Chairman Balcer states that at the last meeting he heard the applicant state that it is important that the sign be visible from the Thruway as it showed United Auto Supply has a

presence in the Town of Geddes and he agreed that this is a positive for the Town, especially considering the sheer size of the building (~650,000 SF) as well as the distance from the roadways to the building facades. However, he is troubled by the fact that the owner/applicant put up new signs on the building without any approval or permits being issued and that the allowed square footage of the signs would have come up a lot sooner. This also serves as a reminder that ALL signs require a permit.

Chairman Balcer next read into the record a resolution from the Onondaga County Planning Board dated August 15, 2018 OCPB (Case # Z- 18-238) with a conclusion that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

Attorney Doerr then goes over the applicable Code sections with the Board before the Public Hearing is closed. When adding up the total SF of the existing signs and proposed signage the total SF is 980 SF for 5 signs and the applicant is allowed 125 SF and 2 attached wall signs, requiring a variance of 855 SF and 3 additional wall signs. The third variance would be for a backlit sign instead of an illuminated sign by indirect light. So, in total the Board will be voting on three area variances.

Member Tortora states that he feels the sign is just too big. He agrees for the need of a sign but feels that this sign is just too big.

Chairman Balcer then asks if anyone in the audience wished to be heard.

Michael Kempisty – 1187 State Fair Blvd addresses the Board that he still agrees with the United Auto Supply having the signs they are requesting and that he is glad that they are occupying the building. It is a huge building and warrants a large sign and the Code doesn't address signage for a building of this size and should be updated.

Cristina Caceres, from Kassis Signs agrees that the sign is big but stated that the sign is red led's (as opposed) to white bright led's, and as a result it will be somewhat subdued and as stated earlier the lights in the parking lot will be much brighter and "over shine" the wall sign. She also opined that the size of the sign fits the size of the building and they had originally presented to the owner a sign even larger in scale. Mr. Bouchard added that he previously stated that indirect lighting on this sign would result in great glare and he stated that he thinks everyone agrees that back lit channel lighting would be most appropriate in this case and far less intrusive.

With no further questions or comments, Chairman Balcer asks for a motion to close the public hearing.

1st- Member Episcopo

2nd- Member Benedetti

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

Opposed- NONE

Motion – Carried 5-0.

Chairman Balcer then asks the Board to address the findings necessary for the granting of the requested area variances:

1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? **No, the proposed new wall sign is not visible from any residential areas, and due to the immense size and footprint of the subject building (650,000 SF +/-) and distance from the roadways, the signage is consistent with the scale of the building and not overbearing; in addition, the back lit sign also minimizes any effect on the neighborhood.**
2. Can the applicant achieve his goal by some other feasible method? **Yes, but again due to the size of the subject building and distance to the roadways, the signage would be barely visible; and the applicant has also agreed to remove an existing non-conforming sign as a condition of the variances being granted.**
3. Are the requested Area Variances substantial? **Yes, due to the number and size of the signage requested as well the signage being internally lit, however, as stated above, the size and number of signs is consistent with the sheer size of the building (~650,000 SF) and the distance from the roadways; in addition, the applicant has also agreed to remove an existing non-conforming sign as a condition to the granting of the area variances.**
4. Will the proposed variances have an adverse impact on the physical or environmental conditions in the neighborhood or district? **No, the sign package will not have an adverse impact on the physical or environmental conditions of the neighborhood, and the signage being back lit reduces any adverse effect on the environment and neighboring properties.**
5. Is the alleged difficulty self-created? **Yes, however when balanced with the other four factors this is not dispositive.**

Chairman Balcer then asks if a Board Member wants to make a motion to approve the application.

Member Smolen makes a motion to approve the following Area Variances:

1. an area variance of three (3) additional signs for a total of five (5) attached wall signs (2 signs allowed per Code), to allow for the construction of a new 420 SF “United Auto Supply” internally illuminated building wall sign;
2. an area variance of 855 SF to allow for a total of 980 SF of total wall signage (125 SF allowed per Code); and

3. an area variance to allow for all signs at this site to be internally back lit (where the code calls for all signs to be illuminated by indirect light only); and

Subject to the following conditions:

1. That the area variances granted are subject to the latest set of plans & the letter as submitted to the Zoning Board of Appeals from Brian Bouchard, P.E. of the CHA Companies dated September 12, 2018, to include that the ~54 SF “Customer Pick-up/UAS” building wall sign facing the NY State Thruway is to be removed.

The motion was seconded by Chairman Balcer.

Roll Call Vote:

Chairman Balcer- YES
Member Tortora- NO
Member Smolen- YES
Member Episcopo- YES
Member Benedetti – YES

Motion- Carried and the Area Variances were **GRANTED** by a vote of 4 to 1.

Adjourned Cases-

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.

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”.

Chairman Balcer asks Mr. Kempisty if he wished for an adjournment for case #621 & #618 to the October Meeting of the ZBA. Mr. Kempisty stated that he filed a new application for a billboard at his property and wanted the Board to hold a special meeting to hear this case. He added that he would not be withdrawing his interpretation cases pending with this Board until the new Variance Application was addressed. Attorney Doerr explained that all monies have now been received and that his new matter will be noticed for a Public Hearing at the October 10, 2018 ZBA Meeting. He further explained that the case for an area variance for Mr. Ribble will also be heard at the October meeting and that the maps and surveys being submitted would be helpful in determining the exact distances of the variances needed for both Mr. Kempisty & Mr. Ribble's applications. Mr. Kempisty then asked that his matters be adjourned until the October 10, 2018 meeting.

Chairman Balcer asks if any Member wishes to make a motion to adjourn both of these cases and leave the Public Hearings open.

1st- Member Tortora

2nd- Member Episcopo

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

Opposed- NONE

Motion - Carried 5-0.

Chairman Balcer asks for a motion to close the meeting.

1st- Member Benedetti

2nd- Member Smolen

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

Opposed- NONE

Motion - Carried 5-0.

Meeting closes at 7:57 p.m.

Minutes to be ratified by ZBA Board: October 10, 2018