

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
May 9, 2018**

DRAFT

Members Present:

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

Also Present:

Donald Doerr- Town Attorney
Martin Kelley- Town Council
Susan Lafex- Town Council

Chairman Balcer calls the May 9, 2018 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

All members present.

Chairman Balcer welcomes Ronald Benedetti to the Board, who was appointed to the Zoning Board of Appeals by the Town Board on April 10, 2018.

Approval of April 11, 2018 minutes

1st – Episcopo
2nd- Tortora
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 you clearly state your name & address or the company you represent.

New Cases: NONE

Adjourned Cases:

Appeal Case # 627- At the request of Richard E. Roberts, applicant (Richard E. & Robyn Ann Roberts, Owners), for premises located at 126 Copleigh Drive (T.M. # 032.-05-32.0) located in a Residential A: Single Family Zoning District, for an Area Variance to place a 12' x 18' pre built shed in the side yard 6' away from the principle building (home) where 10' is required, and less than the required 5' from the side yard property line, and for such additional relief as may be

necessary or appropriate. Pursuant to Section 267-A of the Town Law and Section 240-11 C. (3) (b) & (e) of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer re-opens the Public Hearing. Mr. Roberts apologizes to the Board for not being able to attend last month's meeting as he was ill and could not attend. Mr. Roberts states that before the last meeting that he spoke with the ZBA attorney [Attorney Doerr], who advised him that if he believed that his shed was located greater than 5' from his property line that he should provide an updated "as built" survey. Mr. Roberts stated that he has hired a surveyor (Hans Christopherson) and that he is in the process of updating the survey so that it will be completed by this Board's June 13, 2018 Meeting. Mr. Roberts then presented a letter to the Board dated April 25, 2018 from Stella Landry at 403 South Terry Road stating that she approves the placement of the shed and that she is most directly affected. Attorney Doerr states that it appears the most affected property owner is the owner of 405 South Terry Road which property line abuts where the shed has been placed.

Chairman Balcer opens up the Public Hearing to members of the Public.

Mr. Martin Kelly (Town Councilor) asks Mr. Roberts if he received a letter of support or spoke with the owner of the property at 405 South Terry Road, Mr. Ross? Mr. Roberts stated that he has not spoken to that neighbor about the placement of his shed.

Member Smolen suggests that Mr. Roberts contact Mr. Ross at 405 S. Terry Road as he is the property owner that abuts Mr. Roberts's property and is most directly affected. Mr. Roberts asks if he has to get a letter from Mr. Ross. Attorney Doerr responds that Mr. Roberts is not required to get a letter or contact the owner of 405 South Terry Road but that several Board members are suggesting that it might help his case as it is the neighbor most directly affected by the placement of his shed.

With no further questions, Chairman Balcer leaves the public hearing open and asks for a motion to adjourn the case to next month's meeting at the request of the Applicant.

1st- Smolen

2nd- Benedetti

All in Favor

Opposed- NONE

Motion- Carried

Appeal Case # 628- at the request of John Szczech, Applicant (James J. & Arlie S. Carr, Owners) for premises located at 3201 W. Genesee Street (T.M. # 036.-08-05.1) located in a Residential A: Single Family Residential District, for a Use Variance to operate a bank (Solvay Bank) with a drive through, and for such additional relief as may be necessary or appropriate. Pursuant to Section 267-A of the Town Law for a Use Variance pursuant to Section 240-11 A. & B. of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer states that the Applicant has asked for an adjournment because they are still before the Planning Board and that they have asked for additional information.

Attorney Doerr states that the Applicant did appear before the Geddes Planning Board on Wednesday, April 25, 2018 and that additional information has in fact been requested from the Applicant by the Planning Board. Attorney Doerr stated that the Board has in its possession the new amended Area Variance request for signage but that because the application came in too late it will be noticed for a Public Hearing next month.

Chairman Balcer then asked for someone to make a motion to Adjourn this case to the next meeting at the request of the Applicant.

1st – Tortora

2nd- Episcopo

All in Favor

Opposed- NONE

Motion- Carried

Appeal Case #618 and #621 (Interpretations, Michael Kempisty, Thad Kempisty)

Chairman Balcer re-opens up the Public Hearings and states that he received correspondence in an email from Michael Kempisty late last night and that he is asking that both cases be adjourned until the June meeting of the ZBA as follows:

“Tuesday, May 8, 2018 11:50 PM

Hello Mr. Balcer,

I must request a postponement of tomorrows hearings for our cases #618 and #621. I am currently in Boston on personal business and will not be able to attend the meeting. We have signed a Memorandum of Understanding with the owner of the existing billboards to lease my property. This of course is contingent on approval of an area variance by the board. We should have the lease completed within the next two weeks and will proceed from that. Thank you in advance for your patience.

Michael Kempisty”

Chairman Balcer then states for the record that all Board Members have been given a copy of the Amendment to the Billboard Overlay District which was passed by the Geddes Town Board on March 13, 2018 and filed with the New York Department of State on April 2, 2018. Chairman Balcer asked that a copy of the Local Law be added to both file #618 and file #621:

A LOCAL LAW AMENDING TOWN OF GEDDES TOWN CODE §240-19.2 I-690 BILLBOARD OVERLAY DISTRICT SUBSECTIONS C.(3)(B) & I.(1)(B) AND STRIKING SUBSECTION C.(3)(d) TO MODIFY MINIMUM DISTANCE CRITERIA APPLICABLE TO BILLBOARDS, ILLUMINTAED BILLBOARDS, AND DIGITAL BILLBOARDS

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF GEDDES AS FOLLOWS:

Section 1: The Town of Geddes Town Code, being Local Law No. 1 of 2001, as has previously been amended, is hereby further amended by striking therefrom the portion

of Code §240-19.2.-1-690 Billboard Overlay District, labeled subsections C.(3)(b), C(3)(d), & I.(1)(b), and replacing only the stricken subsections C.(3)(b) & I.(1)(b) with new subsections C.(3)(b) & I.(1)(b), respectively, as follows:

New § C.(3)(b) to read as follows:

“(b) The minimum distance from any and all occupied single or multiple family dwelling(s), or occupied dwelling unit(s) within a Residential, Recreational or Senior Citizen Residential Overlay District shall be three-hundred fifty (350) feet. Where the billboard is illuminated, the minimum distance from any and all occupied single or multiple family dwelling(s), or dwelling unit(s) within a Residential, Recreational or Senior Citizen Residential Overlay district shall be four-hundred fifty (450) feet. Under all circumstances, light shall be shielded from such other properties.”

and

New § I.(1)(b) to read as follows:

“(b) The minimum distance of any digital billboard from any and all occupied single or multiple family dwelling(s), or occupied dwelling unit(s) within a Residential, Recreational or Senior Citizen Residential Overlay District shall be seven- hundred fifty (750) feet.”

Section 2: Local law No.:1 of 2001, as amended, remains in full force and effect except as hereinabove amended.

Section 3: This local law shall take effect immediately upon posting and publication as required by law and filing with the Secretary of State.

Chairman Balcer asks for a motion to adjourn and keep open **BOTH** cases #618 & # 621 until the June ZBA Meeting.

1st- Benedetti

2nd- Episcopo

All in Favor

Opposed- None

Motion- Carried

Chairman Balcer asks for someone to make a motion to close the meeting.

1st – Smolen

2nd- Tortora

All in Favor

Opposed- NONE

Motion- Carried

Meeting closes at 7:20 p.m.

Minutes ratified by ZBA Board: June 13, 2018

DRAFT