

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

Members Present:

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

Also Present:

Donald Doerr- Town Attorney
Marty Kelley- Town Councilor

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

Approval of November 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.

Adjourn Case:

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 states that the applicant has resubmitted the drawings for a free standing sign for a 5'x20' (20 ft. length). The code states that in an Industrial Zoned District there are no freestanding signs allowed. For that, the Board is going by code of a Commercial Zoned District. The code for Commercial would be 15' tall and 25 sf. per side. Going by these measurements you are requesting 5 feet of more

height that is allowed and 4 times as much is allowed of square footage. The applicant is eliminating the wall sign and just requesting a free standing sign.

Mr. Tortora retrieved some field measurements (13 ft. to the bottom of sign) of the business sign across the street. 40' tall and 45 sf.

Mr. Doerr has found that the business is an existing non-conforming use and did not find a variance for the sign as it is today. The sign that was allowed back in 1991 was 11 feet high and 3'x5' with a variance.

The applicant at this time would like to amend the application to

- 98 sf
- 20 ft. high
- Single pole
- 4'x 12' length
- Address below sign
- Same location

Michael Kempisty- 1187 State Fair Blvd – states that he is in favor for the sign and the business should have the option and right to an illuminated sign due to property rights.

Chairman Balcer makes a motion to close the public hearing

1st- Benedetti

2nd- Tortora

All in Favor

Opposed- NONE

Motion – Carried 5-0

Chairman Balcer addresses the Standards of Proof:

1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? **NO, the size & height will not be, not against an internally lite sign.**

Mr. Tortora states in the past the Board has allowed internally lite signs. He would like it to be a soft lite sign.

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Disagree

Smolen- Disagree

2. Can the applicant achieve his goal by some other feasible method? **NO, wall sign will not be visible enough to where a free standing sign will.**

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

3. Is this requested Area Variance substantial? **Yes, mediated by a reduction of sign. Similar to what would be allowed in a Commercial District.**

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? **NO, the sign does not affect anything in the physical environment condition of the neighborhood. Industrial Zone- Similar size sign across the street.**

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

5. Is the alleged difficulty self- created? **Yes, the applicant is proposing a sign that is not allowed in an Industrial Zone.**

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

Chairman Balcer states that based on the findings and fact, would someone make a motion to approve/ deny (adjourn) this case?

1st- Balcer - Approve

2nd- Tortora- Approve

Chairman Balcer- Yes

Tortora- Yes

Episcopo- Yes

Benedetti- No

Smolen- Yes

Motion – Carried 4-1

Area Variance- Granted with conditions

1. Size of sign 4'x12' length
2. 48 sf.
3. Single pole
4. Same location- in the property owners boundaries
5. No higher than 20'
6. 96 sf. double sided
7. Internally lite – from code officer – intensity of the lighting
8. 6 months to finish

No further action from the Board - for an S.E.Q.R. Type II at November meeting.

Adjourn Case:

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 he received an email from applicant asking for an adjournment.

Chairman Balcer asks for a motion to Adjourn the case to the next meeting (January 9, 2019)

1st- Episcopo

2nd- Benedetti

All in Favor

Opposed- NONE

Motion- Carried 5-0

Chairman Balcer asks for a motion to close the meeting

1st- Tortora

2nd- Episcopo

All in Favor

Opposed- NONE

Motion – Carried 5-0

Meeting closes at 7: 20 p.m.