

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

Members Present:

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

Also Present:

Don 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 supporting from residents of the area changed to Chairman Balcer states that he received two phone calls from a resident asking questions and clarification of the case, they gave no support for or against the case.

1st- Smolen

2nd- Tortora

All in Favor

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)© of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer states he received a correspondence of an email from applicant withdrawing his variance application but still is submitting a new survey of the property. Chairman Balcer states that the case is withdrawn from the agenda and no further action will take on the case.

Appeal Case # 631- 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'x84' 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 and pursuant to Section 267-A of the Town for an Area Variances pursuant to Section 240-38D.(2) (b) & (c) of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer states that the sign variance request is very large. We must also consider a variance to allow internally illuminated, since the code only allows non-illuminated or illuminated by indirect light 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, The applicant is seeking 5 total wall signs. So this must be considered also for the variance. Chairman Balcer goes over letter submitted by CHA with all the signs dimensions. Will the applicant please state his case?

Brian Bouchard (CHA Consulting) states his case by saying at the last meeting he went over the Standards of Proof and justification of the case. He speaks about the new sign and the dimensions of the sign.

Mr. Tortora states that he went and did some field measurements of the sign and the measurements are different of the ones that Brian submitted on the letter. They discuss the difference of the dimensions.

Chairman Balcer states that at the last meeting Brian stated at the meeting that the sign being visible from the thruway showed United Auto Supply as a presents in the Town of Geddes and that stood out to me as a positive for the Town. However, it bothers me that the applicant has put up new signs on the building without permits, otherwise being over the square footage issue would have come up sooner. As for a reminder that ALL signs require a permit.

Chairman Balcer reads into record a resolution from the County Planning Board dated August 15, 2018 OCPB Case # Z- 18-238 with a conclusion 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.

Don Doerr goes over the code sections before the Board closes the Public Hearing. The variances the Board will be voting on are under Code 240-38 D. 2 (b) & (c)-

b). – one wall sign for identification shall be permitted not exceeding 1 ½ square feet of sign area per linear foot of building frontage measured at the user’s main entrance, but not to exceed 100 square feet. The sign may be non-illuminated by indirect light only.

c).- in addition to the one wall sign allowed for an industrial building, such a building located on a corner lot shall be permitted one additional wall sign facing the secondary street, provided that the wall signs do not exceed 1 ½ square feet of sign area per linear foot of the building frontages on both the primary and secondary streets, and provided that the total area of the signs on the property does not exceed 125 square feet.

Mr. Doerr states with the conclusion is total of 980 square feet so the variance would be for 980 minus 125 equals 855 square feet for 3 signs. The third variance would be for a backlit sign instead of an illuminated sign by indirect light. So, the Board would vote on for 3 variances.

Michael Kempisty – 1187 State Fair Blvd addresses the Board that he is still agrees with the United Auto Supply having the signs they are requesting and that he is glad that they are occupying the building.

Cristina Caceres- Kassis Signs agrees that the sign is big but it’s a red led lighting and it will be low lighting instead of a white led lighting of the lettering. The size of the sign fits the size of the building. The parking lights are going to over shine the wall sign in this case.

Chairman Balcer asks for a motion to close the public meeting

1st- Episcopo

2nd- Benedetti

All in Favor

Opposed- NONE

Motion- Carried 5-0

Chairman Balcer goes through the Standards of Proof:

- 1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? NO, not visible to any residential area, very visible from 690 E and thru way. The sign isn’t that overbearing from being on the size of the building. Mr. Tortora still states that he would like the sign smaller.**

Balcer- Agreed

Tortora- Disagree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

2. Can the applicant achieve his goal by some other feasible method? **If applicant makes sign smaller it wouldn't be visible from thru way. No changes to the size of the sign.**

Balcer- Agree

Tortora- Disagree (change the size of the sign)

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

3. Is this requested Area Variance substantial? **YES, over what is allowed for square footage for what is allowed of number of signs on the building and the additional variance requested for internally lite. Balcer doesn't see it as a problem that it is far less intrusive than it is flood lite. The cost will be more for flood lite that indirect lighting. Setbacks from the roads mitigated plot and the footprint of the building.**

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, if flood lighted it could add a detriment to the neighborhood.**

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

5. Is the alleged difficulty self- created? **YES, applicant is proposing erect a sign with and larger square footage of area than allowed by code.**

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

Chairman Balcer states based on the findings of fact, would someone like to make a motion to Approve this case? All 3 variances

1st- Smolen

2nd- Balcer

All in Favor- 4 in favor

Opposed- 1 opposed

Motion – Carried 4-1

Chairman Balcer- YES

Tortora-NO

Episcopo- YES

Benedetti- YES

Smolen- YES

3 Variances are Granted with one condition; pursuant to the last plans that were submitted.

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 is asking for an adjournment for case # 621 & # 618

Mr. Michael Kempisty asked for an adjournment to the October 10, 2018 meeting.

Chairman Balcer asks for a motion to adjourn and leave open?

1st- Tortora

2nd- Episcopo

All in Favor

Opposed-NONE

Motion - Carried

Chairman Balcer asks for a motion to close the meeting?

1st- Benedetti

2nd- Smolen

All in Favor

Opposed- NONE

Motion- Carried

Meeting closes 7:57 p.m.