

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

**Members Present:**

David Balcer- Chairman  
David Tortora  
Dominick Episcopo  
Frank Smolen

**Also Present:**

Donald Doerr- Town Attorney

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

All Members present

Approval for February 15, 2018 ZBA Minutes

1<sup>st</sup> – Member Smolen

2<sup>nd</sup>- Member Tortora

All in Favor

Opposed- NONE

Motion – Carried

Chairman Balcer opens the Public Hearing for Case #618 & Case #621. Chairman Balcer then reads an email sent to him from Michael Kempisty, requesting an adjournment for cases #618 & # 621 which states as follows:

**From:** Michael Kempisty <mkempisty@earthlink.net>

**Sent:** Monday, March 12, 2018 11:46 PM

**To:** David Balcer <dbalcer@twcny.rr.com>

**Cc:** Kristy Frame <kframe@weaverframelaw.com>

**Subject:** Request to Postpone March 14, 2018 ZBA Hearing- Cases #618 & #621

Hello Mr. Balcer,

The current owner of the existing billboard that is the subject of our Appeals has contacted me to lease my property. I met with him on Friday at his attorney's office and we made a handshake agreement. I received numerous documents just yesterday and I need time to review them. If these are formalized I am sure it will require a withdrawal of our Appeals. Until this happens I must request a postponement of Wednesday's Hearing. Thank you for your consideration.

Michael Kempisty

Attorney Doerr stated that at last month's ZBA meeting it was determined and agreed to that he would put together a listing of all the documents and exhibits that have been submitted to date with regard to each of these two interpretation appeals since they have been going on for several months with numerous documents being submitted and reviewed by the Board. With regard to **Appeal #621** Attorney Doerr handed out a listing of approximately 13 documents that have been submitted to date:

- #621-1 Thad Kempisty Interpretation Application dated 8.9.17
- #621-2 Memo from CEO Peter Albrigo dated 8.24.17
- #621-3 GEDDES ZBA FINAL Minutes- 9.12.17 Request from Applicant to Adjourn to October
- #621-4 Adjournment Request from Applicant dated 10.9.17 to adjourn case to November Meeting
- #621-5 GEDDES ZBA FINAL Minutes- 10.11.17 Request from Applicant to Adjourn to November
- #621-6 GEDDES ZBA FINAL Minutes- 11.8.17 Request from Applicant to Adjourn to December
- #621-7 Weaver Law Firm T. Kempisty Letter 12.12.17
- #621-8 Weaver Law Firm T. Kempisty Letter- EXHIBIT A 12.12.17
- #621-9
- #621-10 GEDDES ZBA FINAL Minutes- 1.10.18 Request from Applicant at Meeting to Adjourn to February 2018
- #621-11 Thee Pictures of 1187 State Fair Blvd. submitted by Applicant at ZBA Meeting 2.15.18
- #621-12 GEDDES ZBA FINAL Minutes- 1.10.18 Consent from Applicant at Meeting to Adjourn to March 2018
- #621-13 Adjournment Request dated 3.12.18 from Applicant to adjourn March 2018 ZBA Meeting

With regard to **Appeal #618** Attorney Doerr handed out a listing of approximately 29 documents that have been submitted to date:

**#618-1** Kempisty Interpretation Application Received 5.8.17  
**#618-2** Memo from CEO Peter Albrigo dated 6.8.17  
**#618-3** Letter from Weaver Law Firm dated 6.14.17  
**#618-4** GEDDES ZBA FINAL Minutes- 6.14.17 Request from Applicant at Meeting to Adjourn to July 2017 Meeting  
**#618-5** Letter & Attachments from Weaver Law Firm dated 7.11.17  
**#618-6** GEDDES ZBA FINAL Minutes- 7.12.17 Request from Applicant at Meeting to Adjourn to August 2017 Meeting  
**#618-7** Letter from Weaver Law Firm dated 7.27.17  
**#618-8** Adjournment Request from Applicant dated 8.9.17 to adjourn until September 2017 ZBA Meeting  
**#618-9** GEDDES ZBA FINAL Minutes- 8.9.17 Confirms Applicant request to Adjourn to September 2017 Meeting  
**#618-10** Letter from Weaver Law Firm dated 9.11.17 requesting that matter be adjourned until October 2017  
**#618-11** Adjournment Request from Applicant dated 9.13.17 to adjourn matter until October 2017 ZBA Meeting  
**#618-12** Adjournment Request from Applicant dated 10.9.17 to adjourn matter until November 2017 ZBA Meeting  
**#618-13** GEDDES ZBA FINAL Minutes- 9.13.17 Confirms Applicant request to Adjourn to October 2017 ZBA Meeting  
**#618-14** GEDDES ZBA FINAL Minutes- 10.11.17 Confirms Applicant request to Adjourn to November 2017 Meeting  
**#618-15** GEDDES ZBA FINAL Minutes- 11.8.17 Request from Applicant at Meeting to Adjourn to December 2017 Meeting  
**#618-16-a** Applicant submitted GIS & NYS DOT 11.8.17  
**#618-16-b** Applicant submitted GIS & NYS DOT 11.8.17  
**#618-17** Applicant submitted DOS Records of Geddes Law & Legal Articles 11.8.17  
**#618-18** Applicant submitted Pictures of Billboard at various stages submitted 11.8.17  
**#618-19** Applicant submitted 64 pages - Town Code Sections & Definitions from internet dealing with Overlay Zoning submitted 11.8.17  
**#618-20** Applicant submitted Internet Definition of Substantial Completion - Kentucky submitted 11.8.17  
**#618-21** Applicant submitted 106 pages of Treatises on Zoning - submitted 11.8.17  
**#618-22** Letter from Weaver Law Firm dated 12.12.17 M. Kempisty Letter  
**#618-23** DOT Sign Permit State Fair Blvd approved 5.9.16 submitted 12.12.17  
**#618-24** DOT Sign Permit State Fair Blvd approved 9.7.16 submitted 12.12.17  
**#618-25** 1237 State Fair 500 & 750 Ft Radius- Submitted by TOWN  
**#618-26** GEDDES ZBA FINAL Minutes- 1.10.18 Request from Applicant at Meeting to Adjourn to February 2018  
**#618-27** GEDDES ZBA FINAL Minutes- 2.15.18 Consent from Applicant at Meeting to Adjourn to March 2018  
**#618-28** Definition of Gore - 4 pp. submitted by Applicant at ZBA Meeting 2.15.18  
**#618-29** Adjournment Request from Applicant for March 2018 ZBA Meeting 3.12.18

Attorney Doerr asked the Board to review the document listings for both appeals and stated that it will be shared with the Applicants as well to ensure that this Board has a complete record moving forward, unless of course these matters are withdrawn.

Chairman Balcer stated for the record that he and the other Geddes ZBA Members recently attended the Onondaga County Planning Symposium held on March 1, 2018. He stated that in one of the courses he attended called "Record Keeping," he was reminded that "ex parte communication with applicants should not be concealed or disregarded." As a result, he would like to state on record that Mr. Michael Kempisty twice since our last meeting [February 15, 2018] approached him and tried to engage him in conversation with regard to his current pending cases. Once on February 28, 2018 at the Zoning/Planning/Code & Building Committee meeting and again on March 3, 2018 at the Onondaga County Planning Symposium. He stated for the record that both times he refused to discuss anything involving any of his cases.

Attorney Doerr stated for the record and benefit of other Board Members that if any applicant approaches you while a case is still pending that they should politely tell them that you cannot discuss the case with them because they have a pending case in front of the Zoning Board of Appeals. If this does occur, let the Chairman know and it can be placed on the record at the next ZBA meeting.

With no further discussion, Chairman Balcer asks for a motion to adjourn the Public Hearings for both cases # 618 & # 621 until the April 11, 2018 ZBA meeting.

1<sup>st</sup> – Member Episcopo  
2<sup>nd</sup> – Member Smolen  
All in Favor  
Opposed- NONE  
Motion- Carried

Chairman Balcer asks for a motion to close the meeting.

1<sup>st</sup> – Member Tortora  
2<sup>nd</sup>- Member Episcopo  
All in Favor  
Opposed- NONE  
Motion- Carried

Meeting closes at 7:10 p.m.

Minutes ratified by ZBA Board: April 11, 2018