

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
January 10, 2018**

January 12, 2018

Members Present:

David Balcer- Chairman
David Tortora
Dominick Episcopo
Vincent Scarantino
Frank Smolen

Also Present:

Donald Doerr- Town Attorney
Martin Kelley – Town Council

Chairman Balcer calls the January 10, 2018 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

All members present

Due to poor weather conditions the December 13, 2017 meeting was cancelled.

Approval of November minutes

Approval of minutes: November 8, 2017

1st – Tortora

2nd- Episcopo

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 that you clearly state your name and address or the company you represent.

Chairman Balcer reads in record a letter of withdraw/ discontinue of Use Variance and Site Plan application from Germain & Germain, LLP represents Edelman Real Estate, LLC.

Appeal Case # 625- at the request of Edelman Real Estate, LLC Applicant (Chester & Philomena Malys Irrevocable Trust, Owner) for premises located at 2522 W. Genesee St (T.M. # 035.-02-32.0) located in a Residential A: Single Family Residential Zoning District for a Use Variance to operate a “ Miracles Hair Studio” (hair salon & day spa), 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 for a Use Variance Pursuant to Section 240-11 A.& B. of the Zoning Ordinance of the Town of Geddes.

Appeal Case # 624- at the request of Jack Ribble , Applicant (Western Ranch Motel, Walter Gaworecki, Owner) for premises located at 1255 State Fair Blvd(T.M. # 019.-01-12.1) located in a Commercial C: Heavy Commercial District, for an Area Variance pursuant to Section 267-A of the Town Law the Zoning Board of Appeals of the Town of Geddes a public hearing pursuant to Section – 240-38C.(1)(a) of the Zoning Ordinance of the Town of Geddes to replace an existing damaged sign structure with a proposed 15' tall freestanding sign with 32 SQ Ft. area of signage where only 25 SQ Ft. of sign area is allowed per code, and for such additional relief as may be necessary or appropriate.

The Z.B.A will take lead agency status for the purpose of S.E.Q.R. and I would like to make motion that for the purpose of the NYS Quality Review (SEQR) this case will be determined to be a Type II Action, and no further action or SEQR Review is advised by our council.

2nd – Smolen

All in Favor

Opposed- NONE

Motion Carried

Jack Ribble states his case with saying the existing sign is 5' x9' with a weird design shape He is making it smaller 4' x 8'. He states the code requires 25' he is asking for 32' with a 7' SQ FT. difference.

Mr. Doerr- states that according to the specs submitted you have to count the iron around the sign so it makes it 34.72 SQ FT.

Mr. Tortora states in the code book that the vertical column doesn't count towards your square footage but you're structural trim around the sign counts. On Application it states it's 100 x 50 so that makes it 34.72 sq. ft.

Mr. Ribble states that is the measurement with the column too. The sign is only 4' x 8'. With the trim being 1 inch around it changes the sq. ft. of the sign.

Mr. Tortora states he should just leave what the application the dimensions as. The code 240-38-C a Commercial C Zone states that the owner could only have two signs on the property with 100 sq. ft. between the two signs. The one on the roof is roughly 80 sq. ft. So with the sign on the roof and the new sign combined is 114.72 sq. ft.

Mr. Ribble asks the Board if they would Amend his application for additional of 14.72 sq. ft. of his area variance.

Chairman Balcer – yes

Tortora- yes

Episcopo- yes

Scarantino – yes

Smolen – yes

Thad Kempisty -1187 State Fair Blvd states that he agrees with the sign, it looks good.

Michael Kempisty – 1187 State Fair Blvd asks if the sign permit/ application was filed and reads into the record of sign permits- Application of a sign permit. Any application for a sign permit shall be made in writing to the Code Enforcement Officer upon forms provided by such official. These forms shall be created by the Code Enforcement Officer and shall designate sign permit fees as approved by the Town Board. A sign permit is required in addition to any building permit issued for the erection or alteration of a building or structure; issuance of a building permit shall not constitute approval for the signage of a building. He also stated that two permits are required for a sign.

Chairman Balcer makes a motion to close the public hearing.

2nd- Scarantino

Standards of Proof:

1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? **NO**, the area is commercial and there was an existing sign there and proposed one is smaller. All members agree.
2. Can the applicant achieve his goal by some other feasible method? **NO**- Chairman Balcer states Mr. Ribble is asking for more what the code allows, but it could be made to meet the code, but in this unique situation makes it more visible from the neighboring highway. All members agree.
3. Is this requested Area Variance substantial? **NO**, it is not significantly larger than what is allowed. All members agree.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? **NO**, signage would not have any effect. All members agree.
5. Is the alleged difficulty self- created? **YES**, applicant is proposing to erect a sign with and larger square footage of area than allowed by current code. All members agree.

Chairman Balcer makes a motion to approve two area variances

1. 240.38 C (1) (A) - 9.72 sq. ft.
2. 240.38 C (1) (B) – 14.72 sq. ft.

1st – Tortora -With one condition with the construction to be completed within one year.

Chairman Balcer – (in substantial compliance with Exhibit “A”- drawings submitted)

2nd- Scarantino

All in Favor

Chairman Balcer- YES

Tortora- YES

Episcopo- YES

Scarantino- YES

Smolen- YES
Opposed- NONE
Motion Carried

Area Variance is Approved with the 2 conditions.

Appeal 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.

Mr. Kempisty asked the board to adjourn both cases to the February 15, 2018 meeting and consider his letter asking to have his previous cases re-opened.

Appeal 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 would anyone on the board like to make a motion on this case. To adjourn and leave it open?

1st- Episcopo
2nd- Tortora
All in Favor
Opposed- NONE
Motion Carried

Chairman Balcer to adjourn the meeting to the next month’s meeting

2nd – Tortora
All in Favor
Opposed- NONE
Motion Carried

Mr. Scarantino makes a motion to address the letter from Mr. Kempisty (Request for a Hearing – December 12, 2017) request for a rehearing to be denied. There are no new facts to the circumstances. For the record of Mr. Kempisty threats, intimidations of what is contained in this letter addressed to the Zoning Board of Appeals. Defamation of character to be allowed of the Board.

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

1st – Smolen

2nd. Tortora

All in Favor

Opposed – NONE

Motion Carried

Meeting closes at 7:41 p.m.

DRAFT