

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
August 8, 2018**

Members Present:

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

Also Present:

David Herkula- Town Attorney
Jerry Albrigo- Town Supervisor

Chairman Balcer calls the August 8, 2018 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

Approval of July 2018 minutes

1st – Episcopo

2nd- Smolen

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 # 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.

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 SEQRA review is necessary, unless otherwise advised by our council. Do I hear a

Second- Tortora

All in Favor

Opposed- NONE

Motion- Carried

Brian Bouchard- states the case and 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, because the visibility of the sign is to the interstate. It isn't detriment to surrounding properties for that the sign isn't visible to them.**
2. Can the applicant achieve his goal by some other feasible method? **No, due to the size of the building, a smaller sign will not give the visibility from the interstates.**
3. Is this requested Area Variance substantial? **No, the sign does exceed the code by gross amount, the size of the building and the size compared to the building as described is actually less or than allowed for something smaller. The context of with where the building is situated on that building.**
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? **NO, negative impact. The sign is located on the building faces the interstates not the surrounding neighborhood.**
5. Is the alleged difficulty self- created? **Yes, we created the sign for the size of the building and it gives uniqueness to the lot and the building itself.**

Chairman Balcer has two concerns of the proposal.

1. The internally, indirect lighting
2. The proper size of the sign.

Michael Kempisty- 1187 State Fair Blvd states he is lucky to have a business in the building after P&C vacated the warehouse. He approves the sign and agrees that it will give uniqueness to the property.

Jim Kirby – States that he agrees for the variance to be approved.

Chairman Balcer states, based on the findings of fact, would someone make a motion to adjourn this case? And for Mr. Bouchard to speak with owner for the lighting and a solid dimension (sq. ft.) of the sign.

1st- Episcopo

2nd- Smolen

All in Favor

Opposed- NONE

Motion – Carried

5-0

Case Adjourned to September 12 meeting.

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.

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 SEQRA review is necessary, unless otherwise advised by our council. Do I hear a

2nd- Tortora

All in Favor

Opposed- NONE

Motion- Carried

Mr. Neupert states his case. He would like to have a place for when company comes over for when they sit outside.

Chairman Balcer states that Mr. Albrigo, Code Enforcement Officer made field measurements to calculate the square footage of the structures not plotted on the old survey that the applicant submitted.

The Board goes over dimensions of the structures that are on the property.

Chairman Balcer reads an email that was forwarded to him from Mr. Albrigo from a neighbor (John Fritzen) of Mr. Neupert.

Chairman Balcer opens the Public Hearing for any comments from the audience.

Attorney Cote` from Cote` & Van Dyke, and Ventrone Law Firm representing Mr. Fritzen talks about the legal problems of this application. The shed that Mr. Fritzen is talking about

is not temporary and it has been erected more than 180 days. The Town Code states that any temporary structure erected and hasn't been moved for over a period of 180 days it is considered a permanent structure. It increases the sq. ft. of the area that is covered.

Chairman Balcer states that with the matter of being a permanent structure, Mr. Albrigo (Code Enforcement Officer) makes that decision if it has been over 180 days to become a permanent structure.

John Fritzen- 120 Curtis Ave speaks to the Board about the survey of 118 Curtis is inaccurate. He has photos to present to the Board to show the run off of snow, rain that goes onto his property and destroying his fence and yard.

Mr. Cote` addresses the standards of proof

1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? **Yes, the properties in the neighborhood are also known as Lynburg Track for returning soldiers of war to have property for a home and a patch of grass. This property is grossly overdeveloped with a home with an addition added to it, 3 car garage, shed, and carport.**
2. Can the applicant achieve his goal by some other feasible method? **Yes, he can request a smaller deck as other properties have a deck that is suitable for the size of their lot.**
3. Is this requested Area Variance substantial? **No, when you add additional burdens it is not acceptable.**
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? **Yes, there is already run off at both adjoining properties of snow and rain that is damaging Mr. Fritzen's fence and yard.**
5. Is the alleged difficulty self- created? **Yes, he overdeveloped his parcel, he can have his deck. He created the very conditions that now complains of.**

Chairman Balcer asks for a motion to adjourn the case

1st- Tortora

2nd- Benedetti

All in Favor

Opposed- NONE

Motion- Carried 5-0

With Mr. Neupert to issue an updated survey

(In substantial compliance with Exhibit "A".) (any conditions: no roofs are allowed to be added on the proposed deck.)

Appeal Case # 633- at the request of James Kirby, Applicant, (James & Christine Kirby, Owners), for premises located at 212 Wilshire Road(T.M. # 035.-02-13.0) located in a Residential A: Single Family Residential District for a Special Permit for a proposed home occupation(Real Estate Office of Kirby, Carroll & Associates); and for such additional relief as may be necessary or appropriate pursuant to Section 267-A of the Town Law for a Special Permit(for a Home Occupation) pursuant to Sections 240-11 B & 240-25 D.(1) of the Zoning Ordinance of the Town of Geddes.

The Z.B.A. will take lead agency status for the purpose of S.E.Q.R. and I would like to make a motion that for the purpose of the NYS Quality Review (SEQR) this case will be determined to be an Unlisted Action, and no further SEQRA review is necessary, unless otherwise advised by our council. Do I hear a

2nd – Episcopo

All in Favor

Opposed- None

Motion- Carried

There is ambiguity in the Code in regards to this case, Section 240-25 D.(1)(h) deals with off street parking requirements for home occupations and allows 1 space for non-resident employee, however, Section 240-25 D(1)(d) only allows for people living in the premises to be only employees. This applicant explains that he has only one part time employee who comes occasionally to do his book work. He also states he does not and will not have clients that come to his office. He is required by his license to have a sign on the property, or he would not even want that. The sign requirement is what really brings him before us.

Mr. Kirby states his case stating that he would like to have his office at his home from having it downtown Syracuse. It cost money to rent an office and it will be more convenient to have it at home. The state requires him to have a sign on his façade of home to show business. So that is why he is asking for a home occupation.

Chairman Balcer states that he received two phone call from a resident asking questions and for clarification of the case, they gave no support for or against the case.

Chairman Balcer directs the audience on that if Special Permit is granted that the Home Occupation is with Mr. Kirby not the home. If he decides to move, it doesn't stay with the home it ends.

John DiFlorio- 214 Wilshire Rd asks if there will be any employees and would like to know the placement of sign.

Chairman Balcer asks for a motion to close the public hearing

1st- Smolen

2nd- Tortora

All in Favor

Opposed- NONE

Motion – Carried

Chairman Balcer addresses General Finding

1. Will granting this Special Permit change the character of the neighborhood – No, just a small sign to be visible from the road.

Balcer- No

Tortora- No

Episcopo- No

Benedetti- NO

Smolen- No

5-0

2. The home occupation will be conducted almost solely by the resident with occasional part time employee coming to work on the books.

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

5-0

3. The floor area will not exceed 50% of the overall square footage of the house. It takes up only 17% of the square footage of the basement (a one room office).

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

5-0

4. The only exterior evidence will be one small sign in the allowed square footage.

Balcer- Agree

Tortora- Agree

Episcopo- Agree

Benedetti- Agree

Smolen- Agree

5-0

Chairman Balcer makes a motion to approve this application

1st- Tortora

2nd- Episcopo

All in Favor

Opposed- NONE

Motion- Carried

Balcer- Yes

Tortora- Yes

Episcopo- Yes

Benedetti- Yes

Smolen- Yes

5-0 Home Occupation is Granted.

Adjourned Cases:

Appeal Case #621 & # 618 – The applicant is asking for an adjournment till next month meeting September 12.

Chairman Balcer asks if anyone would want to make a motion on this case to adjourn and leave open.

1st- Tortora

2nd- Smolen

All in Favor

Opposed- NONE

Motion- Carried

5-0

Chairman Balcer asks for a motion to close the meeting

1st- Episcopo

2nd- Benedetti

All in Favor

Motion- Carried

5-0

Meeting closes at 8:33 p.m.

