

**Minutes of a Regular Meeting of the  
Town of Geddes  
Zoning Board of Appeals  
April 10, 2019**

**Members Present:**

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

**Also Present:**

Donald Doerr- Town Attorney  
Martin Kelley- Town Councilor

Chairman Balcer calls the April 10, 2019 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

**Approval of January 2019 ZBA Minutes**

**Member Smolen** made a motion to approve the January 9, 2019 Minutes as presented.

**2<sup>nd</sup> – Member Episcopo**

**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 confirmed that all the board members have had a chance to visit the site of our new cases.

**Adjourned Case:**

**Case # 634-** At the request of Daniel R. Wolnick (Applicant & Owner) for property at 2522 W. Genesee Street Syracuse, New York 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. The applicant has amended their application to request a Use Variance to now only operate a “Motor Vehicle Sales Office” and eliminate the request for a “Service Center.”

**Chairman Balcer stated that he received a letter from the applicant’s attorney dated April 9, 2019 requesting to withdraw their case without prejudice:**

Dear Chairman Balcer:

We are writing to request the matter pending before the Zoning Board of Appeals be withdrawn at this time without prejudice. The applicant is working on new plans for the building, and we anticipate eventual re-application.

Chairman Balcer stated and Attorney Doerr confirmed that because this case has been withdrawn by the applicant without a vote or decision being made by this Board, that the applicant could bring the matter back again but would have to submit a new application. Attorney Doerr then confirmed that no further action is required by this Board at this time.

Chairman Balcer then closed the Public Hearing and closed this case without prejudice.

**New Cases:**

**Appeal Case # 639** - at the request of Premier Sign Systems, LLC on behalf of W.B. Mason, Applicant, (1200 State Fair Blvd, LLC, Owner) for the premises located at 1165 Van Vleck Road (T.M. # 019.-02-08.1) located in an Industrial B: Research Industrial District for a proposed new 212 SF internally lit LED wall sign on the South 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.

Chairman Balcer opened the Public Hearing and stated that the ZBA will take lead agency status for the purpose of SEQRA. Chairman Balcer then made a motion that for the purpose of the NYS Quality Review Act (SEQRA) that this case will be determined to be a Type II Action, and that no further SEQRA review is necessary, unless otherwise advised by our Attorney.

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

**All in Favor (Balcer, Tortora, Episcopo, Benedetti & Smolen)**

**Opposed- None**

**Motion - Carried 5-0.**

Craig Tessler of Premier Sign Systems, LLC appeared on behalf of the Applicant, W.B. Mason who also had a representative in attendance at the meeting, Brian Pitcher.

Attorney Doerr stated that included with the materials for this evening and made a part of the record in this case is the Onondaga County Planning Board Resolution dated April 3, 2019 (OCPB Case # Z- 19-68) as well as the previous Area Variance Decision of this Board dated September 12, 2018 with regard to Appeal #631 for signage for United Auto Supply at this same location. Attorney Doerr explained that since this application will actually be amending the previous decision of this Board that it is included for the Board's reference along with the September 2018 ZBA Minutes. Chairman Balcer pointed out that a condition of the 9/12/18 Area Variance Decision of this Board was that the 54 SF "Customer Pick-up/UAS" building wall sign be removed. Chairman Balcer stated that he

received an e-mail and picture dated April 8, 2019 confirming that this sign has in fact been removed. Member Tortora confirmed that the sign was taken down.

Chairman Balcer then stated, as Attorney Doerr just mentioned, we received a resolution from the Onondaga County Planning Board dated April 3, 2019 (OCPB Case # Z- 19-68) recommending the following modification to any proposed action by this Board as follows:

Given the site exceedances of the Town's size and lighting requirements for signage in the Industrial zoning district, the applicant must submit a lighting plan to the Onondaga County and New York State Departments of Transportation showing illumination for the entire site and any existing or proposed signage. No glare or spill over onto adjacent properties or the county's and/ or state's right-of-way will be permitted.

Chairman Balcer stated that in order to over-ride this suggested modification by SOCPA that this Board would need a super majority vote. (Majority 3 +1 or 4 votes) in order to override the modifications by the Syracuse Onondaga County Planning Board. Unless, we choose to follow the recommendations and request the lighting plan.

For the record, Chairman Balcer stated that he did file a complaint with the DOT almost one year ago (Prior to any variances on this property) with regard to the lights in the parking lot which he thought were at a 45-degree angle facing towards I-690. To date he has not received a reply and quite frankly for

Attorney Doerr then went over the applicable Code sections with the Board as well as the previous variances granted by this Board for this location. In addition to W.B. Mason, the other two tenants at this ~650,000 SF building are United Auto Supply and Lowe's. He stated that the previous Area Variance Decision of this Board (Appeal #631 dated 9/12/18) at this site allowed 4 attached wall signs of 980 SF as follows:

- a. "United Auto Supply" 400 SF Wall Sign (Facing I-690);
- b. "United Auto Supply" 420 SF Wall Sign (Facing I-90);
- c. "Lowe's" ~30 SF Wall Sign; and
- d. "Distribution Center & General Offices" ~130 SF Wall Sign (Facing I-690);

When adding up the total SF of the existing signs and the proposed W.B. Mason wall sign the total SF proposed will be 1,192 SF, less the 125 SF allowed per Code will mean that an area variance of 1,067 SF will be required allowing for 5 signs (where Code allows 2 wall signs). He reminded the Board that the previous variance also allowed for all signage at this site to back-lit (where Code calls for indirect lighting only). So, in total the Board will be voting on three area variances this evening.

Chairman Balcer ask "How was the size determined" for the proposed sign? Mr. Tessler responded that they took in account the overall size of the building and elevation and distance from the roads to the building.

Member Tortora stated that there is quite a bit of lighting on that side of the building which may distract from the proposed signage. Mr. Tessler was not aware of other lighting that

would be pointing on the sign. Member Tortora then asked about how the proposed sign would be lit. Mr. Tessler stated that it would be “halo-lighting” behind the letters and he presented the Board with a picture of a similar sign with face halo lighting that back lights the lettering creating a glow around the letters and not through their face.

In response to Attorney Doerr’s questions, Mr. Tessler then went through the other factors necessary for the Board to consider the requested area variances.

With no further questions from the Board or others in attendance, Chairman Balcer asked for a motion to close the public hearing?

**1<sup>st</sup> – Member Episcopo**

**2<sup>nd</sup>- Member Smolen**

**All in Favor (Balcer, Tortota, Episcopo, Benedetti & Smolen)**

**Opposed- NONE**

**Motion Carried- 5-0.**

**Chairman Balcer then went through the Standards of Proof with the Board:**

1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? **No, the proposed new wall sign is not visible from any residential areas, and due to the immense size and footprint of the subject building (650,000 SF +/-) and distance from the roadways, the signage is consistent with the scale of the building and not overbearing; in addition, the back lit ‘halo effect’ sign also minimizes any effect on the neighborhood and is consistent with this Board’s previous Area Variance Decisions at this site.**
2. Can the applicant achieve his goal by some other feasible method? **Yes, but again due to the size of the subject building and distance to the roadways, the signage would be barely visible.**
3. Are the requested Area Variances substantial? **Yes, due to the number and size of the signage requested as well the signage being internally lit, however, as stated above, the size and number of signs is consistent with the sheer size of the building (~650,000 SF) and the distance from the roadways and is mitigated by the applicant and or owner needing to submit a lighting plan to ensure no glare or spillover onto adjacent properties or the county’s and/or state’s right-of-way as a condition of the variance being granted.**
4. Will the proposed variances have an adverse impact on the physical or environmental conditions in the neighborhood or district? **No, the sign package will not have an adverse impact on the physical or environmental conditions of the neighborhood, and the signage being back lit with the ‘halo effect’ reduces any adverse effect on the environment and neighboring properties, in addition, the applicant, as a condition of this decision will need to show that there will be no glare or spillover onto adjacent properties.**
5. Is the alleged difficulty self-created? **Yes, however when balanced with the other four factors this is not dispositive.**

Based on the above findings, Chairman Balcer then made a motion to approve the following Area Variances:

1. an area variance for a total of five (5) attached wall signs (2 signs allowed per Code) at this site, to allow for the construction of a new 212 SF “Halo – LED -lit” building wall sign for “W.B. Mason” on the south elevation of the building;
2. an area variance of 1,067 SF to allow for a total of 1,192 SF of total wall signage (125 SF allowed per Code) at this site amending the previous Area Variance Decision (Appeal #631) of this Board dated 9/12/2018; and
3. an area variance to allow for this sign to be internally “halo-lit” consistent with the previous Area Variance Decision of this Board (Appeal #631) dated 9/12/2018, allowing all signs at this site to be internally back lit (where the code calls for all signs to be illuminated by indirect light only); and

The above area variances are all subject to the following **CONDITIONS**:

1. That the area variances granted in this Decision amend the previous Area Variance Decision of this Board (Appeal #631 dated 9/12/18) at this site which previously allowed 4 attached wall signs at this site of 980 SF as follows:
  - e. “United Auto Supply” 400 SF Wall Sign (Facing I-690);
  - f. “United Auto Supply” 420 SF Wall Sign (Facing I-90);
  - g. “Lowe’s” ~30 SF Wall Sign; and
  - h. “Distribution Center & General Offices” ~130 SF Wall Sign (Facing I-690);
2. That that the Applicant and/or Owner “must submit a lighting plan to the Onondaga County and New York State Department of Transportation showing illumination for the entire site and any existing or proposed signage” showing that there is “no glare or spillover onto adjacent properties or the county’s and/or state’s right-of way” and that the Applicant/Owner abide and correct any mitigation required by the County or State DOT, *prior* to the Applicant being able to obtain a Building/Sign Permit from the Code Enforcement Office of the Town of Geddes to install the “W.B. Mason Sign” granted by this Decision; and
3. That the variance for the “W.B. Mason Sign” is subject to the plans submitted with the Application to the Zoning Board of Appeals; and subject to the Applicant obtaining a Building/Sign Permit from the Code Enforcement Office of the Town of Geddes.

The motion was seconded by Member Tortora.

**Roll Call Vote:**

**Chairman Balcer- YES**

**Member Tortora- YES**

**Member Smolen- YES**

**Member Episcopo- YES**

**Member Benedetti – YES**

**Motion – Carried 5-0 with Conditions.**

**Appeal Case # 640-** At the request of AT&T Mobility Corporation, Applicant (Frontier Cellular, Pmb 353-816586), Property Owners, for property at 111 Crestview Terrace, (T.M. # 039.-02-01.1/2) located in a Residential A: Single – Family Residential District, for the modification of an existing” Special Use Permit” granted June 13, 2012, for the installation of six (6) new antennas to an existing Monopole Wireless Telecommunication Tower and the installation of associated equipment, including three(3) cabinets and one (1) generator on an existing platform within the existing fenced area, and for such additional relief as may be necessary or appropriate. Pursuant to Section §267-A of the Town Law of Geddes and Section 240-44.1 C. (1) (c) of the Zoning Ordinance of the Town of Geddes.

Chairman Balcer opened the Public Hearing and stated that the ZBA will take lead agency status for the purpose of SEQRA. Chairman Balcer stated that for the purpose of the NYS Quality Review Act (SEQRA) that this case is determined to be an “unlisted action.”

Attorney Doerr stated that after a review of the application, it was determined that the applicant did not submit a completed Part 1 of the Short Environmental Assessment Form, and that this Board cannot make a SEQRA determination under Part 2 of the form. As a result, while the Public Hearing can continue this evening and the Applicant can present their case, this Board will not be able to vote on the Special Use Permit this evening and this matter and the Public Hearing will need to be adjourned until the May 8, 2019 meeting of this Board. Attorney Doerr stated that he has been in touch with the applicant and they were unable to get EAF submitted in time for the meeting tonight.

Allison Hebel, of Centerline Communications appeared on behalf of the Applicant, AT&T. She stated that she is appearing on behalf of Kimberly Revak, who was not able to present this evening. Ms. Hebel explained that AT&T is seeking an amendment to the Special Use Permit to install six (6) new antennas to an existing 110’ tall Monopole Wireless Telecommunication Tower for property located at 11 Crestview Terrace. She explained that they are co-locating at this existing monopole with three other providers/carriers (Verizon, Sprint & T-Mobile). She stated that there will also be additional associated equipment installed, including three (3) cabinets and one (1) generator on an existing platform, but that it will all be within the designated space leased to AT&T and all be contained within the existing fenced area. She emphasized that there will be no expansion to the existing footprint of the site.

Attorney Doerr explained that the criteria for a Special Permit is found at §240-25 of the Geddes Town Code and that the Applicant must also comply with the provisions of §240-44.1. Commercial mobile service facilities.” He did communicate with the applicant to go through the Code requirements, specifically those stated in §240-44.1. and he stated that the Applicant did provide a copy of the 300+ page “Phase 1 Environmental Site Assessment” dated March, 2019, which is now made part of the record. Attorney Doerr also provided copies of this Board’s SUP Decision (Appeal #553) dated June 13, 2012 for this site for the Board’s reference and use.

The Phase 1 Assessment also shows all the adjoining property owners, distances and pictures of the facility and monopole. The Board then went over the history of this facility and that in 2012 the Board granted Verizon Wireless a specific use permit that added three (3) new antennas at the 110 feet level to replace existing six (6) antennas. The records also show that the original specific use permit for this monopole tower that was granted in 1998.

Member Tortora asked if there would be any anti-vibration padding installed under the generator? Ms. Hebel explained that the generator will be bolted down and grounded and, in her experience, there has not been any vibration issues do not use or heard of anti-vibration pads.

Chairman Balcer then opened up the Public Hearing for those in the audience.

Michele Puma- 403 Myrtle Ave, Syracuse asked about noise from the generator. It was explained that this was an emergency generator and would only run if there was a power outage or the generator was being tested. She also asked if there was any radiation coming from the antennas. Ms. Hebel states that she is not in liberty to discuss about any health questions. Attorney Doerr stated that this is regulated by the Federal Government and they have to abide by these regulations. The Federal Telecommunications Act preempts local governments from regulating these issues.

Jim Jerome- 3006 W. Genesee Street, states that he also has a Cell Tower in the rear of his property and he has no complaints with regard to noise or any adverse effects whatsoever.

Based on the above, Chairman Balcer then makes a motion to adjourn this case and leave the Public Hearing open until the May ZBA Meeting on 5/8/19.

**2<sup>nd</sup>- Member Episcopo**

**All in Favor (Balcer, Tortota, Episcopo, Benedetti & Smolen)**

**Opposed- NONE**

**Motion – Carried 5-0.**

**Chairman Balcer asks for a motion to close the meeting.**

**1<sup>st</sup>- Member Benedetti**

**2<sup>nd</sup>- Member Smolen**

**All in Favor (Balcer, Tortota, Episcopo, Benedetti & Smolen)**

**Opposed- NONE**

**Motion – Carried 5-0.**

Meeting closes at 7:56 p.m.

Minutes to be ratified by ZBA Board: May 8, 2019