

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
November 13, 2019**

Members Present:

David Tortora -Chairman
Dominick Episcopo
Ron Benedetti
Smolen
Steve Diana

Also Present:

Donald Doerr- Town Attorney
Marty Kelley- Town Council
David Balcer- Code Officer Frank

Chairman Tortora calls the November 13, 2019 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

Chairman Tortora confirmed with **all** Board Members that they have personally visited all the sites on for our new cases.

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.

Approval of October 9, 2019 ZBA Minutes

Chairman Tortora made a motion to approve the October 2019 minutes as presented. **2nd- Member Smolen**

All in Favor (Tortora, Episcopo, Benedetti, Smolen & Diana)

Opposed- NONE

Motion Carried- 5-0.

ADJOURNED CASES:

Appeal Case # 645- At the request of Michael & Donna Wall, Applicant & property owners residing at 346 Lakeside Road Syracuse, NY 13209 for a premises located at 211 N. Huron Road (T.M. # 021.-09-02.0), located in an Residential A: Single- Family Zoning District, for a ' Use Variance' to change it to a two family residence, and such additional relief as may be necessary or appropriate, pursuant to Section§ 267-A of the Town Law of Geddes and Sections 240-11 A. & B. of the Zoning Ordinance of the Town of Geddes.

Chairman Tortora reads into the record a letter from the applicant's attorney, Dirk J. Oudemool, Esq., dated November 8, 2019 and received by the Town of Geddes on November 12, 2019:

Enclosed is a letter by which Mr. & Mrs. Wall have notified their tenants Donald & Valerie Cassey to vacate the illegal garage apartment at 211 N. Huron Ave as you and I discussed. They have authorized me to herewith withdraw their use variance which is pending before the Geddes Zoning Board of Appeals. Finally, Mr. Wall has prepared scaled drawings of the before and after of the garage in support of his request for a building permit.

I trust that my services are no longer necessary in this matter and that you and the Wall's can bring these issues to closure.

Thank you for your courtesy and cooperation.

Based on the above letter Chairman Tortora stated that the use application has been withdrawn by the applicants.

Attorney Doerr explained and stated for the record that because the application has been withdrawn by the applicants that no further involvement or action is necessary by this Board. He explained that the automatic stay of any enforcement action by the Town is lifted and that it is up to the Town's Code Enforcement Officer as to how to proceed with regard to any violation of the Town Code.

NEW CASES:

Appeal Case # 650- At the request of Mc Donald's USA LLC, Applicant (McDonalds Corporation 31-0745 & Panos Enterprises, Owners), for the premises located at 3329 W. Genesee Street (T.M. # 036.-01-05.0/1) located in a Commercial A: Shopping Area District, for Area Variances for signage, menu boards and parking. Wall signs: applicant seeks to increase the number of wall signs from 1 to 5, and the allowable total square footage from 40 SF to 116 SF. Menu boards: applicant is proposing 4 free standing menu boards (2 menu boards & 2 pre- browse menu boards) where the Code allows for one; and to increase the allowable square footage from 16 SF to 60.2 SF and to increase the allowable height of two menu boards by approximately one foot. Parking: the applicant seeks to reduce the number of required parking spaces from 57 to 55 spaces in order to accommodate for an accessory structure (shed) on the parcel and such additional relief as may be necessary or appropriate.

Chairman Tortora made a motion that the Zoning Board of Appeals will act as Lead Agency for the purpose of SEQRA; that there are no other involved agencies; and that for the purposes of this "Unlisted Action" that the application shall have no significant adverse environmental impact.

The motion was seconded by **Member Benedetti**.

All in Favor (Tortora, Episcopo, Benedetti, Smolen & Diana)

Opposed- NONE

Motion – Carried 5-0.

Attorney Doerr stated that the application was submitted after the deadline for submittal to the County Planning Board (SOCPA), and that this Board therefore, will be unable to vote on the application this evening. The case will be adjourned until next month but because the Public Hearing was noticed Chairman Tortora opened up the Public Hearing. Attorney Doerr also informed the Board that there was a previous application by McDonald's in January of 2019 (Appeal #638) but that application was withdrawn before the Public Hearing.

Steve Wilson from Bohler Engineering appeared on behalf of the applicant. Mr. Bohler went over the plans submitted and what they intend to do. Most of what they are doing is trying to bring the site up to current ADA and accessibility standards with regard to parking sidewalks. Mr. Wilson stated the reduction in parking by two spaces has been done in that the Shed has made two spaces unusable. Chairman Tortora & CEO Balcer stated that the shed was put up without a permit between 2015 and 2018. Mr. Wilson stated that the shed is 10'x10' and is used for storage and is currently located next to the dumpster.

Mr. Wilson next addressed upgrading the menu boards to digital and replacing the "prebrowse boards." There are currently 3 signs existing and they are asking for an additional sign in the drive-through. Chairman Tortora & Mr. Wilson then discussed the sizes of the menu boards. Attorney Doerr asked that the applicant submit the exact sizes of the existing menu boards and the new menu boards before the next ZBA meeting. Attorney Doerr also asked that the total square footage of all signage, current and proposed be provided to the Board.

Mr. Wilson explained that there are currently 3 wall signs (existing non-conforming) and under their proposal there will be a total of 5 wall signs. Chairman Tortora again asked that the exact dimensions (height & width) and square footage of all signage be provided to the Board. Chairman Tortora stated that we are really dealing with 3 different sets of variances, one for parking, one for menu board signs and the third for attached wall signs.

Chairman Tortora confirmed that the applicant is looking for 2 wall arches, 2-word marks (Mc Donald's), and 1 Play Place sign, totaling 5 signs. He goes over the square footage of all

5 signs. He asks Mr. Wilson to go over the menu board's square footage. Attorney Doerr again asked for the Applicant to provide the exact square footage (dimensions and SF) of all signage at the property (menu boards, monument signs & wall signs) in order to determine the variances required based on the Code.

Chairman Tortora then opened up the public hearing for comments from those in the audience and asks if anyone would like to speak with regard to this case.

Michael Kempisty - (no address given) states that he is always in favor of any variances that are pro-business. He states that these variances are rather large and the applicant should not have to be even asking for these variances and that the sign code for Geddes should be updated and revised. He stated that in his opinion these variances should just need approval from the Codes Office. After allowing Mr. Kempisty to speak, Chairman Tortora asked Mr. Kempisty to keep his remarks limited to the matter for which the Public Hearing was called, McDonald's (Appeal Case #650).

Chairman Tortora makes a motion to adjourn the case and Public Hearing until the December 11, 2019 ZBA meeting.

2nd- Member Benedetti

All in favor- (Tortora, Episcopo, Benedetti, Smolen, Diana)

Opposed- NONE

Motion - Carried - 5-0.

With no further business Chairman Tortora asks for a motion to close the meeting.

1st- Member Episcopo

2nd- Member Diana

All in Favor (Tortora, Episcopo, Benedetti, Smolen & Diana)

Opposed- **NONE**

Motion - Carried 5-0.

Meeting closes at 7:36 p.m.

Minutes ratified by ZBA Board: **December 11, 2019**