

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
January 9, 2019**

Members Present:

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

Also Present:

Donald Doerr- Town Attorney
Susan LaFex- Town Councilor

Chairman Balcer calls the January 9, 2019 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

Approval of December 2018 Minutes

1st- Episcopo

2nd- Smolen

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 acknowledges that on the original application there was about 151 correspondences of email or letters opposing the application. With the new amended application submitted there is 50 new correspondences opposing the new amended application.

Adjourned Case:

Appeal 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.”

Joe Germain – Representative for Mr. Wolnick states that the applicant is a residence of the Town and runs a business in a Residential Area without any incidents. From the building being a Toro repair shop for years to a car sales facility with no longer have no service operation, no mechanical work. Just basically it's a small shop office. The applicant took in consideration and listened to the Planning Board on recognizing the concerns of the area reducing the intensity of the use.

Mr. Benedetti states that there will be no repair at all at this facility at any time. Mr. Germain states NO.

Mr. Tortora asked about the new hours of operation and how many employees? Mr. Wolnick states 9am – 6 pm. Monday through Friday with him as owner and one other employee.

Mr. Doerr goes through the parking spots with the applicant. 3 display, 1 handicap, and 4 regular spots with the total of 8 parking spots. Mr. Wolnick agrees. Mr. Doerr also speaks about the existing septic tank being on Towns right- of- way at the end of the road and how the applicant is hooking up to the sewer across the street.

Mr. Tortora states that the existing septic tank would have to be removed and for the applicant needs to hook up to the sewer across the street.

Chairman Balcer states that before he opens the public hearing he addresses to the public that the Board will be referring the application back to the Planning Board.

Merilee Palerino- 127 Century Dr is opposed to the motor vehicle sales office at the Toro building. She has a request regarding the Use variance to operate motor vehicle sales and service center and for such additional relief as may be necessary or appropriate. She would like to know what “such additional relief as may be necessary or appropriate” that means. Mr. Balcer states that it's a common thing that the Board does. They add it in to every application because if the board finds anything else they would like to add it to the application. Mrs. Palerino also states that she had a hard time pulling in and out of the property when it was a Toro Dealership. Did the applicant look at other properties in the surrounding area? Did the applicant know about the property being zoned Residential “A” when he bought the property. She would just like the board that she would like something low impact in the neighborhood.

Jim Jerome -3000 W. Genesee St states that at last month Planning Board meeting they stated that this would be the only use that they would look at. Seems to him the Board met their burden of proof. He would like to see the building occupied and cleaned up.

Tracy Baum – Wicks- 3200 W. Genesee St states that she never had any trouble with the traffic when it was a Toro dealership when she has utilized their services. She would like to see the building occupied not being empty or idled. It's a great use of the property.

Michael Kempisty- 1187 State Fair Blvd states that it is an appropriate use of the property and agrees with the last two speakers. He asks the board “what will happen with the building if the applicant isn't approved? He has looked at the site plan of the property, the building will be renovated. Who else would put the money into this property and connect to the sewer if Mr. Wolnick isn't approved? He doesn't see anyone any time soon. In some of the correspondences some stated it will be an eyesore. To the plans that he looked at, it wouldn't be an eyesore. But it will be an eyesore if he isn't approved. He states that W. Genesee Street isn't a Residential Zoned District. It should be a Commercial Zoned District. It's a 22, 000 car a day road.

Maureen Patrick Martin – 104 Parsons Dr states that she is opposed to the application of a Use Variance. A Use Variance is a very serious matter. Once it's granted it's forever running with that land. Their asking for a Use Variance for a used car sales business. She is opposed to that type of business being brought into the W. Genesee St Corridor. Primarily, I am opposed to the application because he cannot meet the legal standards for a Use Variance. The property is zoned Residential. He bought the property subject to that residential zoning. It is a Self- Created Hardship that is one of the legal criteria's for a Use Variance he cannot meet. She is asking the Board to deny the application.

June Jesmain- 116 Century Dr states that despite the busyness of W. Genesee St. There are still people living on W. Genesee St so it's still a residential neighborhood and don't want it to become Town of Camillus. This is why we are trying to prevent.

Thomas Antonini – 111 Wilshire Rd states he lives in a residential neighborhood that is about hundred yards away from business. The applicant stated he would have about three cars at a time on the property. What if he has more than 3? What happens then? Mr. Germain explains that once the site plan is approved, he would be bound by what is in it. If he doesn't follow with it. The Town can take action.

Pasqualina Testa – 3202 W. Genesee St states that best to her knowledge Mr. Szczech who purchased Carr's automotive across the street. He also didn't have hardship. She wanted to make that point that the argument over hardship this applicant doesn't have one and Mr. Szczech didn't have one either. Chairman Balcer states that Mr. Szczech didn't close on the property until after. There is a difference.

Tracy Baum- Wicks 3200 W. Genesee St states she doesn't want any more vacant buildings on W. Genesee St. Any misuse of the property can cause contamination to the soil. She would like to see something productive, clean and neat. It'll be well organized, well controlled, and regulated by the Board so we won't have any more deteriorating building on W. Genesee St.

Merilee Palerino- 127 Century Dr address that some issues about the applicant buying the property before he realized he had to go through all these hoops and didn't realize it was a Residential. She lives near the building and she would be effected. She is sure that the applicant can put something different in the building.

Barbara Bloom – 154 Century Dr states when you look down Genesee St from Camillus. Those stores were once houses. She is just concerned for the future for it to stay Residential.

Michael Kempisty- 1187 State Fair Blvd states that the Town needs to move forward.

Chairman Balcer makes a motion to leave the public hearing open and refer to the Planning Board

1st- Tortora

2nd- Smolen

All in Favor

Opposed- NONE

Motion – Carried 5-0

Chairman Balcer makes a motion to close the meeting

1st- Episcopo

2nd- Benedetti

All in Favor

Opposed- NONE

Motion – Carried 5-0

Meeting closes 7:33 p.m.