

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

Members Present:

David Tortora- Chairman
Dominick Episcopo
Frank Smolen

Also Present:

Donald Doerr- Town Attorney
Martin Kelley- Town Council
David Balcer- Code Officer

Absent

Ron Benedetti

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

Approval of May 2019 Minutes

1st- Episcopo

2nd- Smolen

All in Favor (Tortora, Episcopo, Smolen)

Opposed- NONE

Motion Carried- 3-0

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.

Adjourned Cases: NONE

New Cases:

Appeal Case # 641- At the request of Bodycote Thermal Processing, Applicant (NU-121 Dwight Park Circle, LLC), Property Owners, for property at 8 Dwight Park Drive, (T.M. # 019.-04-11.5) located in an Industrial District, for the modification of an Existing "Area Variance" granted May 14, 2003, to eliminate condition #2 which prohibits manufacturing in the "new additions" and limited the use to storage only (warehousing), allowing the Applicant to utilize the entire building for manufacturing , and such additional relief as may be necessary or appropriate. Pursuant to Section §267-A of the Town of Geddes and Section 240-19 D. (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 action is necessary, unless otherwise advised by our council. Do I hear a second?

2nd- Smolen

All in Favor
Opposed- NONE
Motion Carried 3-0

Mr. Doerr reads the SOPCA referral 3/26/2019, OCPB Case # Z19-159. States, NOW THEREFORE BE IT RESOLVED that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county- wide implications and may consequently be acted on solely by the referring board.

Mr. Doerr states the Board has the original variance that was granted in May 14, 2003 was lot coverage increased from 60 to 65.64 percent and allowed a 2 foot 8 inch rear line set back. Motion was passed with three conditions:

- 1) 1).** the applicant bring into compliance previous findings to maximum extent possible before any building permits are issued for the new project. **(HAVE BEEN MET) NO LONGER NEEDED.**
- 2)** New areas will not be utilized for manufacturing. Only storage will be conducted in the new additions.
- 3)** Drainage for stone water runoff must be approved by the Town Engineer. **(HAVE BEEN MET)**

If there is any additional conditions it would have to be in the current site plan. That would be addressed by site plan approval. If it was needed. If not, it would be a building permit and approved by the Code Enforcement Officer.

Attorney Robert Germain- represents Bodycote Thermal Processing-, Larry Droddy- Regional Engineer (Bodycote), Tony Schaut- Senior Manager (Bodycote) states their case and asks the Board to terminate the conditions from the old variance from 2003. For they do not apply to the new variance applied.

Mr. Germain states that Bodycote is the largest supplier for heat treated service. He submitted photos to the Board of what the building and surrounding landscape will look at.

Mr. Doerr asks how many employees they anticipate to have at the facility. Mr. Schaut states about 30 employees in about 24 months.

The Board has no questions to the applicant.

Chairman Tortora asks would someone like to make a motion to close the public hearing.

1st- Episcopo

2nd- Smolen

All in Favor

Opposed- None

Carried – 3-0

Chairman Tortora asks for a motion to approve this case

1st- Tortora

2nd- Episcopo

All in Favor- with **one condition** – to apply for a building permit within 6 months of approval

Three older conditions are terminated

Tortora- YES

Episcopo- YES

Smolen- YES
Opposed- None
Motion – Carried 3-0

Variance – GRANTED

Appeal Case # 642- at the request of Matthew & Amy Gumaer. Applicants(owners), for premises located at 300 Cherry Road(T.M. # 045.-01-01.0) located in a Residential A: Single – Family Zoning District, for an Area Variance to install a 6’ tall wood stockade fence along the rear property line onto the required 30’ front yard setback on the Clover Road side of a corner lot(Code only allows for open design fences up to 4’ tall) and attach it to an existing 6’ tall stockade fence along the Clover Road side of the lot, and for such additional relief as may be necessary or appropriate . Pursuant to Section §267-A of the Town Law of Geddes and Sections 240-42 B. (1) and 240-11 C. (3) (a) of the Zoning Ordinances 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 action will be necessary, unless otherwise advised by our council. Do I hear a second?

2nd – Smolen
All in Favor
Opposed- None
Motion – Carried

Mr. Gumaer states that his neighbors are present and in support of the fence.
Robert & Kathryn Hobson- 301 Parsons Dr and states his case to where and why he needs a fence. He presents the Board with a picture of the trees being eaten by the deer over a period of time. So now you can see through the trees and want to keep the privacy between neighbors and the road.

Mr. Doerr asks the Code Enforcement Officer if this is an existing non – conforming because the fence exist already.

Chairman Tortora asks if the fence is going between the trees that align the property line. Mr. Gumaer states yes it is.

Robert Hobson states that they are good neighbors and he has no issue with the fence to be erected.

Chairman Tortora makes a motion to close the public hearing

1st- Episcipo
2nd- Smolen
All in Favor
Opposed- None
Motion – Carried

Chairman Tortora 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, NO LINE OF SIGHT ISSUES. NO OPPOSITION AND SUPPORT OF THE NEIGHBORS**
2. Can the applicant achieve his goal by some other feasible method? **NO, CONTINUING THE EXISTING NON- CONFORMING USE**

3. Is the requested Area Variance substantial? **NO, THERE IS NO SIGHT ISSUES.**
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? **NO, IT MATCHES THE EXISTING FENCE.**
5. Is this self – created hardship?

Based on the findings of fact, would someone make a motion to Approve this case

1st- Smolen

2nd- Episcopo

All in Favor –

Tortora- YES

Episcopo- YES

Smolen- YES

Opposed- NONE

Motion – Carried 3-0

Variance - GRANTED

Appeal Case # 643- At the request of Oleh & Joselle Iwachiw, Applicants (owners), for premises located at 312 Wynthrop Road (T.M. # 035.-02-20.0) located in a Residential A: Single Family Zoning District, for a 6.7' front yard Area Variance to remove and rebuild a covered front entrance porch into the required 30' front yard setback (proposal calls for 23.3' setback), and for such additional relief as may be necessary or appropriate. Pursuant to Section §267-A of the Town Law of Geddes and Section 240-11 C. (2) (a) 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 will 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 will be necessary, unless otherwise advised by our council. Do I hear a second?

2nd- Episcopo

All in favor

Opposed- None

Motion – Carried

Peter Dimon – Dimon Construction, states that there is an existing open front porch and will be going 8-12 inches more than the existing porch to where it will need a variance. There is a 7x 7 ½ front porch now and making it 9 ½ x 8 including the steps.

No questions from the public.

Chairman Tortora asks would someone make a motion to close the public hearing

1st – Smolen

2nd- Tortora

All in Favor

Opposed- None

Motion – Carried

Chairman Tortora 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, IT'S A DUPLICATED OF THE EXISTING PORCH. IT WILL IMPROVE THE LOOK. WITH THE CONDITION OF KEEPING IT AN OPEN PORCH STYLE.**
2. Can the applicant achieve his goal by some other feasible method? **NO, NOT CHANGING THE LOOK.**

3. Is this requested Area Variance substantial? **NO, MINIMUM 6.7 LESS THAN 30 FEET.**
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? **NO, THE PORCH WILL MATCH THE HOUSE. IT'S IMPROVING THE NEIGHBORHOOD.**
5. Is this a self- created hardship? **YES**

Based ON THE FINDINGS OF FACT, WOULD SOMEONE LIKE TO MAKE A MOTION TO Approve this case?

1st- Episcopo

2nd- Smolen

All in Favor- two conditions- keep the drawings that were submitted in and for the porch not to be enclosed, to stay open style.

Tortora- YES

Episcopo- YES

Smolen – YES

Opposed- NONE

Motion – Carried 3-0

Variance - APPROVED

Chairman Tortora asks for a motion to close the meeting?

1st- Smolen

2nd- Episcopo

All in Favor

Opposed- NONE

Motion – Carried

Meeting closes at 7:56 p.m.