

**Zoning Board of Appeals
1000 Woods Road
Solvay, NY 13209**

November 9, 2016

Members Present:

Dave Balcer
Frank Smolen
David Tortora
Vincent Scarantino
Dominick Episcopo

Chairman Balcer calls the meeting to order at 7:00 pm and ask for all cell phones to be turned off or placed on vibrate. He recognizes members in attendance and introduces the new secretary Nadine Wild. He asked if the members had a chance to visit the mentioned site and all members agreed.

First order of business is to postpone October 2016 minutes. Balcer stated that they will be looked to approved at the December meeting.

Chairman Balcer opens the meeting to the members and the public stating all matters heard by this Zoning Board of Appeals are in form of a Public Hearing. Everyone who wants to be heard will be heard. Before speaking, we ask that you clearly state your name and address or the company you represent for the record.

Chairman Balcer stated that he would like to start with the 3 Adjourned Cases #602, #604, and # 605 due to an email received at 5:50 pm today from Michael Kempisty:

Wednesday, November 9, 2016 1:33 am

Hello, Mr. Balcer,

I am requesting that the Geddes Codes Officer Mr. Albrigo be summoned to this ZBA meeting to provide testimony with regards to his denial letters to my appeals.

I also wish to question Mr. Curtin the Town Attorney and his cohort Mr. Sinsabaugh about the amendment to the billboard law while there is a "stay" in place as per NYS Town Law 267-a (6.) Also, NYS Town Law states specifically "The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers continuing the record upon which the action appealed from was taken " (267-a (5b). This would have certainly included the other company's (Ribble) files which I asked you to refer to at the last meeting and which you stated it was up to me to provide them. It's up to Mr. Albrigo to provide and I hope he does so.

Michael Kempisty

Chairman Balcer responded to the email that at the last meeting he has the files from Mr. Ribble to the permits that he applied for. Balcer noted that Attorney Curtin told Mr.Kempisty he to provide his defense and could refer to what he submitted.

Mr. Kempisty agreed to use the files that were provided and that is in front of the board. Balcer stated from receiving this email so late he did not have enough time to ask Mr. Albrigo nor Mr. Curtin if they would attend. He has asked Mr. Kempisty if he wanted to adjourn the three cases.

Mr. Kempisty stated that it is necessary to adjourn the three cases because he would like to speak with Mr. Albrigo about the letter that was sent to him about the setbacks and to question Mr. Curtin and Mr. Sinsabaugh because they were the ones who created the law. He has a lot of questions for them and is important for the board to hear.

Mr. Balcer asked Mr. Kempisty the second time if he would like to adjourn the three cases.

Mr. Kempisty agreed to but wants to give the board some information before they make motion to adjourn.

Mr. Balcer made a statement about the three cases before Mr. Kempisty approaches.

The Zoning Board of Appeals as you are aware and I'm assuming by your familiarity and often referenced James A. Coon writings regarding Zoning Board of Appeals, you can understand and accept that this appointed board can only interpret and / or regulate the Town of Geddes municipal zoning regulations as they are written and accepted by the Town of Geddes. Anything beyond that is not the purview of this board or any other ZBA in my opinion.

When presenting your cases I would ask that you please concentrate on what you believe was NOT interpreted correctly by the Town of Geddes Code Enforcement Office that being relative to Zoning Code as written and accepted by the Town.

If you have concerns with how your permitting process was handled, those concerns should be addressed to the Code Enforcement Office and not the ZBA as we can only rule on what has been approved by the Town in the code.

Balcer made a Motion to open up Kempisty's cases # 602, #604, and # 605

Second – Tortora

All those in Favor

Mr. Kempisty presents the board with a letter from the DOT about intersections and would like to know the definition of an "Intersection ". Balcer explained to Kempisty that if it complies with the Zoning Code and cannot interpret anything that does not comply. Mr. Kempisty read a letter from the DOT and presented it to the board. Mr. Balcer asked Mr. Kempisty if he was speaking with the DOT did they mention about if they had a problem with Ribble's applications and if they have approved them. Kempisty stated that are approved.

Chairman Balcer made a Motion to postpone case # 602, #604 and #605 on the request from Mr. Kempisty to the December Meeting.

Second – Smolen

All those in Favor

Case # 608 – At the request of Damon Martineau (Affordable Goods & Services, LLC) at 325 Bridge St Solvay, NY 13209 (T.M. # 027.-04-02.1) located in an Industrial A: General Industrial Zoning District, for a "Special Permit" for a "motor vehicle Sales, service & repair" for a business that buys and sells surplus construction, farm and heavy equipment as well as trucks with a N. Y. S registered repair shop.

The ZBA 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 an Unlisted Action, and will be given a negative declaration, unless otherwise advised by our council. Do I hear a

Second: Scarantino

All in Favor

Mr. Martineau presents his case by passing out a larger survey of the property.

The survey proposes a temporary shelter in the back of property. He wants to add the building to assist his company.

Site plan considerations for the “ Special Permit “ include: for motor vehicle sales – outdoor display area has to have adequate aisle space, no vehicles parked closer than 5 feet to any lot line, no dismantled motor vehicles or auto parts may be stored outdoors, parking for at least 5 customers with consideration for number of display vehicles and employees. Furthermore for motor vehicle service & repair- All repair or servicing is to be performed indoors.

Balcer asked how he gets customers.

Mr. Martineau stated that how he does all his advertising is on the internet (Craigslist) he does some newspaper ads. He mainly deals with people from out of town and by appointment only.

Balcer raised attention on the survey it shows that the new building will be 5 feet from the side property line. Zoning Code for Industrial A is 10 feet from side & rear property line. Mr. Martineau stated that he will change from 5 feet to 10 feet on survey.

Balcer stated that aGML- County 239 Referral was sent to the county and is waiting on the response.

Balcer made a motion to refer the case to the Planning Board on December 28, 2016
Asked the board if they have any other questions?

Episcopo asked if Mr. Martineau had any specs on the new building Mr. Martineau answered yes; it should be in the packet provided. Episcopo also asked on how it is going to be anchored. Balcer replied that question is a Building Code question and Peter Albrigo is to answer that question.

Smolen stated that the application states 20 parking spots for customers but the survey shows only 12.
With an auction there will not be room to fit overflow of cars.

Mr. Martineau stated that they could use the parking lot across the street.

Smolen stated that on the survey he needs to show the additional parking to accommodate the parking.

Eric Smithers companied with Mr. Martineau stated that the survey shows 20 parking spots for cars not customers. His customers come at appointment only.

Balcer explained the process of the Planning Board and asked where specifically his parking lot is.

Balcer asked the board for any other questions, then the audience.

Mr. Kempisty states that Mr. Martineau is an excellent business man and anything you can do to help him out on his property.

Make a motion to refer this to the Planning Board for Site Plan Review.

Second: Episcopo

All those in Favor

Will someone make motion to close the meeting?

1st – Tortora , 2nd Episcopo

All those in favor – Closing 7:38 pm