

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on August 15, 2017 at 7:30 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

Mr. Rick Zaccaria	Councilor
Ms. Darcie Lesniak	Councilor
Ms. Mary Frances Sabin	Councilor
Mr. Howard Tupper	Councilor
Mr. Ronald Dudzinski	Councilor
Mr. Claude Sykes	Supervisor

Absent: Ms. Patricia Dickman, Councilor

Also present:

Mr. Kevin Gilligan	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Doug Foster	Highway Superintendent
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Citizens Comments: None

Approve minutes of the Regular Town Board Meeting on August 1, 2017:

157-17-000 MOTION BY Mr. Zaccaria, seconded by Mr. Dudzinski, to approve the minutes of the Regular Town Board Meeting on August 1, 2017 as published.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Approval for Highway Superintendent to hire Salt Springs Paving for paving roads at an estimated cost of \$24,700.00 for millings and paving, authorize Supervisor to execute contract:

Mr. Sykes said they will be working on Thomas Drive, LaDue Street and Idlewood Boulevard.

158-17-024 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to declare this project a Type II Action under SEQRA, declare the Town Board Lead Agency with no other involved agencies, and authorize the Highway Superintendent to hire Salt Springs Paving, County Contract 8241, for paving roads at an estimated cost of \$24,700.00 for milling and paving and authorize the Supervisor to execute the contract.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider accepting dedication of roads, utilities and easements in Marion Meadows Section 3: 159-17-053 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to approve the following resolution:

**WHEREAS**, Hyacinth Land Development, LLC, (hereinafter “Developer”) has executed, pursuant to Highway Law Section 171, a “Dedication of Land and Release of Damages” form proposing to dedicate to the Town of Van Buren (hereinafter “Town”) certain parcels of land for street or highway purposes and releasing the Town from all damages by reason of the laying out and opening of said streets or highways, said parcels of land being described in Schedule “A”; and

**WHEREAS**, said Developer has also executed and delivered to the Town a warranty deed dated June 5, 2017, conveying said parcels of land to the Town; and

**WHEREAS**, the Developer provided to the Town easements for drainage and utility purposes as required by the approved plan, together with title insurance in an amount acceptable to the Town Board; and

**WHEREAS**, the Highway Superintendent of the Town has made, executed and delivered to the Town Board an order laying out such streets or highways; and

**WHEREAS**, the Town Board has reviewed and considered all of the aforementioned documents and have found them to be in proper order and the Town Board having further found that it is in the public interest to accept dedication of said streets or highways.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board, on the behalf of the Town, does hereby consent to the order of the Highway Superintendent laying out the said streets or highways and does hereby accept the dedication of the said streets or highways as set forth in Schedule “A”; and it is further

**RESOLVED**, subject to the review and approval of legal counsel for the Town, the Town Supervisor be and hereby is authorized to execute any and all documents necessary to accept and record the aforesaid warranty deed and easements; and it is further

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to file and record in her office the aforementioned “Dedication of Land and Release of Damages” dated June 2, 2017 and executed by Hyacinth Land Development, LLC, the written consent of the Town Board and the order of the Highway Superintendent laying out said streets or highways; and it is further

**RESOLVED**, that this resolution and the actions authorized are expressly conditioned upon submission by the Developer, to the Town, of security in a form and amount satisfactory to counsel for the Town.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Approval for hiring of Peter Demjanenko as park attendant at \$10.00 an hour:

160-17-038 MOTION BY Mr. Zaccaria, seconded by Mr. Tupper, to approve hiring Peter Demjanenko as park attendant at \$10.00 an hour.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Resolution regarding PILOT payment for solar facility at 6719 Pottery Road:

161-17-041 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to acknowledge receipt of Forefront Power’s notice of intent to construct a two (2) megawatt solar farm at 6719 Pottery Road in the Town, in accordance with Section 487 of the New York Real Property Tax Law relating to solar energy systems and the Town hereby states its intent to require a payment in lieu of taxes (PILOT) Agreement. The Town will give notice to Forefront in accordance with Section 487 of the Real Property Tax Law of the State of New York.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider renewal of lease(s) and operation agreement(s) with OCWA for Connors Road Water Supply District and Connors Road Water Supply District Extension No. 1:

162-17-051 MOTION BY Ms. Sabin, seconded by Ms. Lesniak, to declare the action as type II under SEQRA, declare Town Board lead agency with no other involved agencies and approve the renewal of lease(s) and operation agreement(s) with OCWA for Connors Road Water Supply District and Connors Rd Water Supply District Extension No. 1.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Authorize Supervisor to sign grant disbursement for salt shed facility:

Mr. Sykes said this is for the \$300,000 grant through Assemblyman Magnarelli to construct a salt storage facility.

163-17-057 MOTION BY Mr. Zaccaria, seconded by Ms. Lesniak, to authorize the Supervisor to execute the grant disbursement agreement with the Dormitory Authority of the State of New York.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider approval of Local Law no. 6 of 2017:

Mr. Gilligan said the County Planning Board recommended disapproval because the State may or may not approve, but, it does not affect our zoning between the town and the applicant. He said we have it contingent upon state approval.

164-17-030 The following resolution was offered by Ms. Sabin, who moved its adoption, seconded by Mr. Dudzinski, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. F-2017, “A Local Law Amending the Zoning Map of the Town of Van Buren to Include Certain Property Zoned Planned Unit Development (PUD) in the Billboard Sign Overlay District (BSO) in the Town of Van Buren”, was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on July 5, 2017; and

**WHEREAS**, a public hearing was held on such proposed local law on the 15<sup>th</sup> day of August, 2017, by the Town Board of the Town of Van Buren and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Van Buren in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, this proposed local law was referred to the Onondaga County Planning Board, as required by General Municipal Law for their review and comments; and

**WHEREAS**, the OCPB session having taking place, the OCPB recommended in OCPB Case # Z-17-280, by Resolution dated August 2, 2017, that the proposed Local Law be disapproved for the following reason(s):

“Per the New York State Thruway Authority (NYSTA), the existing sign location does not adhere to NYSTA Bureau of Traffic Management Advertising Device Guidelines, TAP-620 (<http://www.thruway.ny.gov/commercial/forms/tap620.pdf>), which dictates that off-premises devices are not allowed within 660 feet of the nearest edge of the Thruway right-of-way. The existing billboard on the site is approximately 156 feet from the nearest edge of the Thruway right-of-way. A permit application for an off-premises device on the existing billboard in question will not be approved.

The applicant and Town are advised to consult with the New York State Thruway Authority regarding siting of facilities prior to consideration of the zoning request”; and

**WHEREAS**, the Town Board, having reviewed the submitted documentation and given extensive consideration to same, has determined to override the OCPB’s recommended disapproval, noting that the property owner has the right to apply for and obtain approval from the New York State Thruway Authority and the ability to locate a sign at the proposed location is contingent upon the property owner’s receipt of permission from the New York State Thruway Authority; and

**WHEREAS**, the enactment of Proposed Local Law No. F-2017 has previously been determined to be an unlisted action, an environmental impact statement (EIS) was not be required; and a negative declaration was issued on July 5, 2017 pursuant to SEQRA determining that this action will have no significant effect on the environment thus concluding the SEQR review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. F-2017.

**NOW, THEREFORE**, it is

**RESOLVED** that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact proposed Local Law No. F-2017 as Local Law No. 6-2017 contingent upon approval by the New York State Thruway Authority, as follows:

**“LOCAL LAW NO. 6-2017  
TOWN OF VAN BUREN**

**A Local Law Amending the Zoning Map of the Town of Van Buren to Include Certain Property Zoned Planned Unit Development (PUD) in the Billboard Sign Overlay District (BSO) in the Town of Van Buren**

Be it enacted by the Town of Van Buren Town Board, as follows:

**Section 1.** The Zoning Map of the Town of Van Buren as provided for in Section 200-13 of the Code of the Town of Van Buren shall be amended to include certain lands described herein in **Schedule “A”**, which are currently designated Planned Unit Development (PUD), within the Billboard Sign Overlay District zoning designation as defined and regulated pursuant to the provisions of Chapter 200 of the Code of the Town of Van Buren.

(See Schedule “A” attached hereto)

**Section 2.** The Town of Van Buren Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

**Section 3.** This Local Law shall become effective upon its filing with the New York Secretary of State.”

Roll Call Votes: Mr. Zaccaria – Yes, Ms. Lesniak – No, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mr. Dudzinski said they discussed a potential zone change for property on State Fair Boulevard to allow the owner to build a storage facility. He said the Land Use Committee will make a positive recommendation to the Planning Board for a change in zoning from BRB to E1.

Highway Superintendent Comments:

Mr. Foster said weather dependent Thomas Drive, LaDue Street and Idlewood boulevard will be milled this week and paved Monday and Tuesday of next week.

Supervisor Comments: None

Citizens Comments: None

Engineer Comments: None

Attorney Comments: None

165-17-014 MOTION BY Mr. Zaccaria, seconded by Mr. Dudzinski, to recess the regular meeting and go into Executive Session to discuss a personnel matter at 7:45 pm.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

166-17-014 MOTION BY Mr. Zaccaria, seconded by Mr. Tupper, to close the Executive Session and resume the Regular Meeting at 8:55 pm.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

167-17-000 MOTION BY Mr. Zaccaria, seconded by Mr. Tupper, to adjourn to the next Regular Town Board Meeting on September 5, 2017 at 7:30 pm.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Meeting closed 8:55 pm

Respectfully submitted,

Lynn Precourt  
Town Clerk

Dated: 8/16/17