

The April meeting of the Zoning/Planning Board of the Town of Van Buren, held at the Town building, 7575 Van Buren Road, Baldwinsville, NY, was called to order at 6:06 p.m.

Roll Call:	Mark Budosh	Present
	James Virginia	Present
	James Ruddock	Present
	Roger Roman	Present
	Jamie Bowes	Present
	Jim Schanzenbach	Present
	Anthony Geiss, Chairman	Present

Also present: Kevin Gilligan, Attorney
 Jason Hoy, Engineer
 Dave Pringle, Codes

MINUTES

Mr. Geiss asked the board to accept the March meeting minutes for Zoning/Planning board as written. Mr. Ruddock moved to accept the motion, seconded by Mr. Roman. Motion carried unanimously.

Mr. Geiss closed the regular meeting and asked for a motion to go into Public Hearing at 6:11 p.m. Motion by James Virginia and seconded by Jim Schanzenbach.

Public Hearing - Petro Petrovets – Variance 200-45 (R-40)

6699 Pottery Road Tax Map ID#055.01-14.2

No representative was present to represent the applicant. In their absence, the Chairman provided a description of the request by the applicant and a brief history of the events to date relating to this property.

No person spoke at the public hearing.

Mr. Virginia moved to close the Public Hearing. Mr. Schanzenbach seconded. Motion Passed.

Mr. Virginia moved to enter Planning Board Meeting. Mr. Ruddock seconded. Motion Passed.

Petro Petrovets – Variance Section 200-45 (R-40)

6699 Pottery Road Tax Map ID#055.01-14.2

The Chairman noted this applicant was before the Board recently for a Special Use permit to fill a portion of the property. The Code Enforcement Office told the applicant at that time that he would need to obtain a Building Permit to build an accessory structure. The applicant proceeded with building a detached shed/garage type structure. The structure is either on the property line or very close to the property line. The code requires a 15’ offset from property lines for accessory structures. The map submitted by the applicant was inaccurate, illegible, and the structure could barely be seen.

The Town Attorney noted that this is a Type II action under SEQRA.

The Chairman entertained a motion to name the Town of Van Buren lead agency under SEQRA for this Type II action. The motion was moved by Mr. Ruddock. The motion was seconded by Mr. Budosh. Motion passed.

The Chairman entertained a motion to deny the variance application based on the fact that the applicant failed to appear and prove their need for relief under the variance. The motion was moved by Mr. Ruddock. The motion was seconded by Mr. Budosh. Motion passed.

RESOLUTON NO. 1902 of the Zoning Board of Appeals/Planning Board of the Town of Van Buren

Petro Petrovets seeks a variance for a shed located at 6699 Pottery Road, Tax Map No.55.-01-14,3 (the “Property”) shed was constructed very close or over property line, pursuant to Section 200-45 of the Town of Van Buren Zoning code. The Property is located in the R40 Zoning District.

In support of his request, Applicant submitted an Application for a Variance dated February 28, 2019. Agricultural Data Statement, dated February 28, 2019, Notification to Surrounding Property Owners of Pending Action, Short Environmental Assessment Form dated February 28, 2019. Map of Property with the shed location penciled on the drawing. There were no dimensions.

Notice of Public Hearing was duly published.

Based upon the submission of Applicant and proof taken at the public hearing, the Board resolves as follows:

1. This matter is subject to the State Environmental Quality Review Act and is classified as a Type II action. The board hereby appoints itself lead agency for the uncoordinated review of this matter. The Board finds that granting the requested relief will not result in any significant

adverse impact upon the environment. The Board’s determination is based upon the Property will not change by reason of the variance. The Property is not located in a critical environmental areas.

2. The applicant failed to appear for the public hearing and is thereby in default and loses case for application.
3. The Variance is hereby denied in accordance with Section 200-45 of the Zoning Code.

Dated: April 9, 2019

Anthony J. Geiss, Chairman
Zoning Board of Appeals
Town of Van Buren

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	excused		
James Virginia	✓		
James Ruddock	✓		
Roger Roman	✓		
James Bowes	✓		
James Schanzenbach	✓		
Anthony Geiss	✓		

OMNI NAVITAS SOLAR INTERPRETATION (R-40)

Omni Navitas Solar Interpretation of Chapter 200-22 G (1). Joseph Hendleshon represented the Applicant who is out of Boston, MA.

Applicant wants the town to define ‘utility’ as in our code as a utility is allowed use in an R-40 zone. Omni wants us to recognize that ‘solar’ is included in our definition of utility as they are a power generating producer even though they connect to the National Grid system to distribute the power generated by the 5 Mega Watt solar system they want to build at 7275 Van Buren Rd surrounding the Hard Scrabble cemetery. Much discussion of the fact that if solar is interpreted as a utility that it can go basically anywhere in the town as it is an approved use by code if the interpretation is approved by both the Zoning and Town Boards. Chairman Geiss said the town can do:

1. change the definition to included solar systems,
2. put on a moratorium on building any solar throughout town or
3. Create a Solar Overlay district.

Chairman Geiss said we allow Solar to be built in Industrial A zones now.

Omni said that they want to build a plant with a 'temporary 'life expectancy of 25 – 30 years and then would be dismantled. Chairman Geiss said that the site that Omni wants to build on parallels Rt. 690 and backs up to 3 houses and DeJohn Rd.

Chairman Geiss said that about 70 to 80% of the town is zoned R-40 or R-80 and if the town interprets and changes the definition of Utility to include solar that solar would be allowed throughout the town. Codes Officer Dave Pringle stated that Utility was an approved use by Special Use Permit with an approved variance by the ZBA in the following districts throughout the town: R15,R20, R40, R80, Industrial A. Jim Ruddock said that NYSERDA has 3 tiers of solar systems. Tier 1 is solar placed on a house for use by that particular house. Tier 2 is a commercial use where the company uses the energy created. Tier 3 is power being generated, leaving the site and not being used on site. Omni is requesting a Tier 3 system. Omni says they are a commercial company that will sell solar energy credits created by the solar to both residential and business customers and that they will handle the billing, accounts and customer service of the accounts. Jim Ruddock said that Tier 3 should not be throughout the town. The town can put restrictions on solar plants and that an application would require site plan review by the Planning and zoning board. James Virginia said he interprets that Omni is a private company and not a utility because Omni has no distribution plant and is only a generator of power. Jim Schanzenbach says that he understands that Omni wants to be considered a business and sell power to National Grid. Jim Ruddock said he interpreted Omni as a power generator and meets our definition of a utility.

Attorney Kevin Gilligan said that if doing a resolution to do it in the Zoning Board and deny the request that Solar is not a utility at this point. Zoning board is interpreting the definition of a utility as a public company that creates and distributes energy to entire town and other municipalities.

Chairman Geiss said the Board is not in favor of a definition change interpretation that Solar is a utility. Chairman Geiss recommended that Omni go look at the site at Walters Rd and at the closed Landfill on Kingdom Rd.

Attorney Kevin Gilligan said he doesn't know right now how a Floating Solar overlay district would work. Jim Ruddock said that if a solar system was constructed on an AR-40 or 80 that the owner would have to see the implication of taxes and the discounts applied as an

agricultural property. Jim Ruddock also said that the Planning/Zoning board has done poor planning at not looking at this topic a few years ago so that we could have foreseen the potential impact on the town.

Chairman Geiss asked for a motion to deny the applicants request for a definition change to include solar as a utility. Motion was made by Jim Schanzenbach and seconded by James Virginia. Motion was approved. Mr. Ruddock asked for a roll call.

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	✓		
James Virginia	✓		
James Ruddock	abstain		
Roger Roman	✓		
James Bowes	✓		
James Schanzenbach	✓		
Anthony Geiss	✓		

Attorney Kevin Gilligan said that the board denied the interpretation of the utility definition as including Solar and not denying the variance request.

Seneca Neighborhood (golf course development) regarding Tax Map ID # 064.-03-01.1. (R-40)

Brolex Properties was present to present the latest plan for the development. Chairman Geiss reiterated that this is an informational session, not a public meeting or public hearing, just another information gathering Session. Jake Harrington from Ryan homes said the developer heard the concerns of the town at the last meeting and have addressed the environmental concerns, lot size, max # of lots (density), and road cuts.

They are proposing a self-contained subdivision with two (2) entrances on Rt. 48 and two (2) on Van Ness Rd. Most lots are 160 feet deep which gives very usable back yards for pools, sheds, and play areas for kids. They are using 66 foot wide lots with the 25' total side yard setbacks. This plan now has 194 lots between the patio homes and single family homes. The cost to build 1 linear foot of road is \$450. The proposed lots have a minimum of 10,000 sq. Ft with many lots having 20,000 sq. Ft. Tom Oot from Brolex said that they are presenting a variety of products in this planned community. The development will have a 2 tier Home Owners Association with Tier 1 being the patio homes which will get lawn care and snow plowing included in the monthly fee. Tier 2 would include the single family homes and would have an annual fee which would include \$ to pay for the upkeep of the storm water ponds. Tom Oot said that the 25' total setbacks between houses will be written into the covenants

and run in perpetuity with the property and will be on the land title. Jake Harrington from Ryan Homes will provide the town with the % of lots > 15000 sq. ft., % at 10000 sq. ft., % with 75' at the front building line. Jake Harrington from Ryan Homes said the homes they build now are 40' wide which meets the required 25' setbacks and that they will build on 66' wide lots so that they don't have to pin each lot. They are trying to keep the amount of road, water and sewer systems to a minimum. Tom Oot sent Chairman Geiss a copy of the HOA covenants and bylaws which Chairman Geiss said are as restrictive as Radisson. Tom Oot said the HOA will maintain the storm water areas but will have a reserve fund that the Town can draw on should the Town have to perform required work on the storm water areas if the HOA doesn't maintain it.

Chairman Geiss said that the Town does not want R10 lots such as Seneca Knolls which was developed back in the 1950 and 60's. Town wants R15 size lots which has 90' wide lots. Chairman Geiss said R10 was stopped when development of Village Green was done. There are 80' wide lots in Village Green. Marion Meadows PUD behind Town Hall has mainly 75' wide lots. Chairman Geiss said that Village Green was built as a PUD with green space being the golf course. Chairman Geiss said that there would be sewer, water and lighting districts created so that the residents using these systems would pay for the ongoing maintenance. James Virginia said that he thought that the developer has done his due diligence on what is being built in the Syracuse area and what the markets need.

Jake Harrington from Ryan Homes said that they could do 80' wide lots and that it would not change the total number of homes built from 194 but that he doesn't want to build 80' wide lots. He also said that they are looking at around \$260,000 for single family homes. Jake Harrington said to look at Orange Commons right next to Clay Town Hall to see the latest development by Ryan with 65 foot lots. Jim Schanzenbach said he wasn't really concerned about the lot sizes. James Bowes said what about condos in this development to give mixed use. Tom Oot said empty nesters don't want attached buildings anymore. Brandon Jacobson said that they took out the commercial lots as they have to deal with a transformer and after further discussion took out all commercial lots.

Chairman Geiss said that the Highway Superintendent looked at Van Ness Rd and that road will need upgrade to handle the projected amount of daily traffic and that the upgrade cost will have to be borne by the developer. Brandon Jacobson from Brolex said that the developer can't incur the cost of the road upgrades will change the access to Van Ness to emergency access only and chain off the access to Van Ness and force all traffic onto Rt. 48. Ryan Homes said that residents wouldn't use Van Ness Rd because it is too long a drive to get

to Rt. 48. Chairman Geiss said that without Van Ness more access between the patio homes and single family homes there must be a connection to the remaining roads in the area connecting the town home to the single family homes. Brandon Jacobson said that the Patio home owners don't want to have kids in their area.

Jim Ruddock said that a PUD is meant to give less regulations of R15 and R20 lots. He continued that he wants to see trees on all lots. He doesn't see any amenities such as safety or view for the homes that back up to Rt. 48.

Brandon Jacobson said that with moving the land that they will put up berm for sound protection. Tom Oot said they will plant 1 tree on each lot, saving any of the trees on the site as the developer stated that they will plant 194 or more trees on the site.

Motion to adjourn the meeting at 7:55 made by James Virginia and 2nd by Jim Ruddock.

The board then had to attend a required Harassment training given by engineer Jason Hoy.

Meeting adjourned. Next Meeting scheduled for May 14, 2019 at 6 pm.