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The June meeting of the Zoning/Planning Board of the Town of Van Buren, held at the Town building, 7575 Van Buren Rd, Baldwinsville, New York, was called to order at 6:05 p.m.

Those present joined in the Pledge Allegiance to the Flag.

Roll Call:	James Virginia	present-via Zoom
	Mark Budosh	present
	Jamie Bowes	present
	Roger Roman	present
	James Ruddock	present
	Jim Schanzenbach	present
	Tony Geiss	present

Also Present: Nadine Bell, Attorney
 Jason Hoy, Engineer
 Casey Palmer, Codes Enforcement Officer
 January Baker, Zoning Planning Board Secretary

MINUTES

Motion made to approve the May meeting minutes as amended. Motion carried first by Mr. Ruddock. Seconded by Mr. Budosh. Motion Carried.

Motion called to Adjourn to Public Hearing. Motion Carried first by Mr. Ruddock and seconded by Mr. Budosh. Motion Carried.

PUBLIC HEARING DANIEL DEFIO-SPECIAL USE PERMIT-7889 CREGO RD-TAX MAP ID #034-03-09.1-(LB)

Mr. Daniel Defio was present to speak on his own behalf. Mr. Defio presented his site plan to the Board, discussing the handicapped parking spot added as well as showing the re-sodding and the plantings of the property to make the egress smaller. Mr. Defio went over his plans for adding a sidewalk, for which he had the contractor line up with the sidewalk around the Walgreen’s next door to him. He stated he will be adding the sidewalk at same time that everything else is being done, not needing the within 2 year agreement with the Town. Chairman asked for any comments or questions. The Public Hearing will remain open until our July meeting. Chairman called for a motion to move out of the Public Hearing, back into regular session. Mr Ruddock carried the first motion, followed by Mr. Bowes. Motion Carried.

DANIEL DEFIO-SPECIAL USE PERMIT-7889 CREGO RD-TAX MAP ID #034-03-09.1-(LB)

Mr. Geiss asked Mr. Defio if the sidewalk will be going in all at once. Mr. Defio asked the board about the curb closest to Walgreens- it being a grassy area that he owns about a foot of that curb. Mr. Defio stated he will fill that in, but will not go onto Walgreens property. Mr. Defio will put the 10ft of sidewalk in, with the small portion on the curb, graded with the driveway. Mr. Defio

asked if there were any way to move this along faster. The answer was inside work only, unfortunately, following proper permits. Mr. Geiss informed Mr. Defio any work prior to the Boards approval, is at an Applicants own risk. Public Hearing will be left open until the July 14th meeting, for any comments. Motion was called to adjourn the Public Hearing. Carried first by Mr. Ruddock, seconded by Mr. Bowes.

**PUBLIC HEARING- DG NEW YORK CS, LLC-SUBDIVISION-BETWEEN W
SORRELL HILL AND E SORRELL HILL RD-TAX MAP ID #033.6-06-01.2, 033.-06-05.1
& 032.-04-02.2 (AR-80)**

Mr. Brian Harper of 205 Cambridge St. was present for the Applicant. Mr. Harper discussed the revised plans for the Subdivision- there will be 3 parcels dividing, making 2 separate properties on either side of the easement. Mr. Ruddock asked about the transmission lines running through the easement, why was it not being added to the property, as well. Mr. Harper stated it was not your typical easement, this one in particular, is utility owned. National Grid owns that piece of property. Chairman asked for any comments or questions. Public Hearing will be kept open until July meeting, for comments. The Chairman obtains a motion to adjourn Public Hearing. Mr. Ruddock carried first motion, seconded by Mr. Bowes.

**DG NEW YORK CS, LLC-SUBDIVISION-BETWEEN W SORRELL HILL AND E
SORRELL HILL RD-TAX MAP ID #033.6-06-01.2, 033.-06-05.1 & 032.-04-02.2 (AR-80)**

Chairman asked Mr. Brian Harper if Tract 1 on map will be going from West Sorrell Hill to the high voltage line. Mr. Harper answered that is correct. Tract 2, per the map, will be added to parcels 2,3,& 4, making that all combined. The Board mentioned, the map isn't showing a setback along the electrical. There was originally a 50ft set back, that needs to be pushed back another 50ft to meet the 100ft setback. Currently, it is showing a 100ft from center of the easement, which is owned by National Grid. Mr. Harper makes note that he will change that on the plans, to meet code. Mr. Ruddock noted about the easement property, owned by Nimo, if it is roughly 150ft wide, then it needs to have another 60-65ft, ensuring that it is brought back 100ft from that property line.

This Public Hearing is to be kept open until our July meeting, for comment and decision. Chairman called a motion for a Public Hearing for their Solar Permit. Mr. Ruddock carried first, seconded by Mr. Bowes. (West Sorrell Hill. Chairman called PH for July 14th for East Sorrell Hill Rd. Solar Permit. Mr. Ruddock carried first, seconded by Mr. Bowes. Chairman adjourns regular meeting to move into Public Hearing. Motion called by Mr. Ruddock, seconded by Mr. Bowes.

**PUBLIC HEARING-TERPENING SITE PLAN- 115 FARREL RD. TAX MAP ID 059-02-
02/01 (LB)**

Mr. Craig Billinson, Attorney for the applicant, address 342 South Salina St., Syracuse was present for the Hearing. The property lies on Farrell Rd. making half the property in Van Buren and half in the Town Of Geddess. Mr. Billinson explains one of the businesses Mr. Terpening runs out of this property is Tri-Tank for the sale of trailers. There is a lower parcel developed

years ago, however the higher (upper) subject property, they wanted to fill back in 2013. The purpose of the fill back in '13, was to have another parking area for their display of tractor sales. Mr. Billinson stated it was County and Town approved then. Now they are back in front of the Board due to a complaint on the display of a trailer for sales. Mr. Billinson said it is a Tri-Tank job Trailer, with the company logo and phone number displayed on it. The Chairman informs him he is in front of the Board for outdoor sales approval on site plan. Mr. Geiss informed the applicant in 2013, Mr. Paul Billings ceased the project with the Town of Van Buren and went through Town of Geddes only. There was no approval for outdoor sales from Van Buren, only a fill permit met approval. Chairman informs applicant the public hearing will be held open until July meeting for written comments. A Motion to adjourn public hearing called. Mr. Ruddock carried first, seconded by Mr. Bowes.

TERPENING SITE PLAN- 115 FARREL RD. TAX MAP ID 059-02-02/01 (LB)

Chairman stated back in 2013, the Town asked Terpening for a SWPP and was told one was not needed. Mr. Geiss asked how many acres is actually in the Town. Mr. Billinson answered roughly 5 acres, and Mr. Geiss said then a SWPPP would have been required, because more of an acre of land was involved. Paul Billings challenged the need for a SWPP. Mr. Geiss informs the applicant to have a meeting set up with the DEC to determine if a SWPP is needed. Mr. Jason Hoy spoke on the DEC input as being needed, based on work being ceased and then work that was still done in Geddes. The Town would need DEC to sign off on this matter, because there is no way to determine what was disturbed, as far as land goes. Mr. Geiss informs the applicant to contact Mr. Hoy when the meeting is set up, so that he may attend as well. Chairman discussed another issue, the setbacks. There needs to be note of setbacks on the map-minimum of 50ft., per code, for display. Mr. Billinson asked if it was 50ft. setback from buildings or are objects included. Mr. Geiss response was from objects as well, for it not to block sight.

SANTA BARBARA SUBDIVISION-1260 OLD ROUTE 31-MEMPHIS-TAX MAP ID# 046.-07-04.1 AR-80

Mr. Michael Santa Barbara was present from 1260 Old Route 31, Memphis. Chairman obtained a motion to formally close the Public Hearing from May 27th. Mr. Budosh called first motion, followed by Mr. Bowes. No comments in from the last meeting. Chairman asked Board for any comments or questions. No comments. Lot #1 will be 4.5 acres, leaving 37.1 acres left to original property. Motion with regard to SEQR review & reaffirmed Town of Van Buren lead agency. End of motion called. Mr. Ruddock carried first, seconded by Mr. Bowes. Chairman obtained a motion to approve subdivision map dated March 4, 2020, conditioned to a lot fee of \$150. End of motion called. Mr. Ruddock called first motion, followed by Mr. Budosh.

MARION GARDEN TOWNHOUSES-PROPERTY LOCATED SOUTH OF TUSCANY LANE-MARION MEADOWS SUBDIVISION-TAX MAP ID #031.8-01-17.0-SITE PLAN-PUD

Mr. Mario D'Arrigo of 40 Timberland Dr., Jamesville was present on his own behalf. Mr. D'Arrigo presented new maps to the Board with updated changes. They added a vinyl fence to the entrance, extended fence down 690 to road, and revised the landscaping to show details-

type, size and quantity of plantings. Mr. D'Arrigo has to work with OCWA on easement plantings. Mr. Ruddock was pleased with the planting plans. Mr. D'Arrigo noted they added to plans the size and specs of each building, as Mr. Virginia suggested. Park fees were discussed- there has been something in place for apartments, concerning the fees, that can be worked out into phases. Discussion of how long construction will take, roughly. This will be worked into the phases. Chairman asked if there was any questions. No questions presented. Chairman obtained a motion to close Public Hearing from May 27th. Mr. Ruddock carried first motion, seconded by Mr. Bowes. Motion called with regard to SEQR, to ratify and reaffirm. Mr. Ruddock, carried first, followed by Mr. Bowes. Chairman called to obtain a motion to approve site plan based on map dated April 20, 2020, latest subdivision being dated June 8, 2020- (C-201 & C-203). All subject to park fees to apartments-based on the phasing of the project. End of motion called. Mr. Ruddock was first to carry. Followed by Mr. Bowes. Subject to SWPP approval from Engineer.

DG NEW YORK LLC-SPECIAL USE PERMIT-BITZ PROPERTY- 6719 POTTERY RD.-WARNERS-TAX MAP ID #055.-01-10.1-ZONED IND-A

Mr. Brian Harper of 118 E. Genessee St., Syracuse, was present on the Applicants behalf. Mr. Harper presented the board with updated maps of the solar site. Mr. Harper added two more Winter Kings to the drawings, with shrubs. They moved the driveway to the north of the site, across from the Industrial rather than Residential. Mr. Harper also showed the neighboring properties in the plans. A discussion on noise study, was had with the Applicant . Mr. Geiss asked if the neighbors would hear any noise, to which Mr. Harper replied no. Chairman asked what does 20 decibels sound like? Mr. Harper stated a refrigerator at 6ft away produces 40 decibels of noise, the motors here being half of that. The Chairman asked how many motors there will be to which Mr. Harper replied that would depend on the final design, but could be up to 100 motors. Mr. Geiss asked will there be noise across the street. Mr. Harper explained the panels, during the course of the night, will rotate back to a resting position, parallel to the ground. They then will rotate back toward the sun, when rising. All panels will be, programmed, to rotate with the sun.

Mr. Harper asked if they switched to non-moving panels, if this would make a difference. Mr. Harper informs the board that would just leave the inverter, and one inverter makes less than 50 decibels from 150ft away. Mr. Hoy asked what the change from moving to fixed as far as storm water. It would slightly change, but not much. The inverter would be, positioned, at the end of the driveway, across from Industrial zone.

Mr. Geiss made statement to the neighbors being concerned about the noise this farm will produce. Mr. Harper asked The Board for conditional approval based on fixed panels, not moving. Mr. Ruddock asked how much the fixed panels change the plans. Capacity wise it would decrease, but with a larger amount of panels, the change would not be that significant. Mr. Ruddock addressed a solar farm, in Town, off Kingdom Rd. Maybe do a comparison there to the noise, what the neighbors actually hear. Mr. Geiss stated he hears no sound when by there. Conditioned approval granted, based on fixed panels. Chairman informs Mr. Harper, this can always be amended at a later date, with noise sound studies and description of operation. Willing to grant approval, based on the fixed panel change. Mr. Bowes made comment to a sound study,

if they would like to use motorized panels in the future. The Board can grant approval based on fixed panels now, subject to SWPP approval. The Chairman obtained a motion in regard, to SEQR, and reaffirmed lead agency. 3MW of solar power per map dated June 20, 2020. End of motion. Mr. Ruddock carried first, seconded by Mr. Bowes. Motion carried.

Ms. Nadine Bell spoke on the special use permit. Sating that DG NY LLC seeks SUP to operate 3MW ground mounted solar facility on 23 acres of 33 acres of property. Zoned IND-A, for project "Van Buren II DG Solar Project" (C-101, C-102, C-201, C-202, C-401-C403) on amended plans to install fixed panels instead of motorized and taking into consideration comments from the County. Original Public Hearing was March 10th. No one spoke at the Public Hearing.

Conditioned to as follows:

- A) Proposed Use is within code
- B) IND-A consistent with long-term development, within code.
- C) Placement of site should be visually appealing.
- D) No Traffic issues
- E) Use of Natural Resources
- F) Emissions Minimal
- G) Conditions Suitable
- H) Cumulative Array- 23.1 acre/ 32.9 acre parcel will not hinder the growth.

Subject to above conditions and SWPP approval, as well as signed and stamped drawings, by Tuesday, June 16, in order to proceed. End of motion. Mr. Ruddock carried first motion, seconded by Mr. Budosh. Motion carried. No further comments.

**RONALD GILBERT-2370 WARNERS ROAD-FILL PERMIT-TAX MAP ID #054-04-09.1
#054-04-09.2 & #054-04-08.1-(AR-80)**

Mr. Ron Gilbert of 2307 Warners Rd. was present on his own behalf. Mr. Gilbert discussed plans on wanting to keep his ponds, and the two driveways. Mr. Gilbert explained plans where red was marked on the map, and the storm water was marked in blue. According to Mr. Gilbert, Army Corps is ok with his fill plan. Also, Mr. Gilbert discussed water run-off, and keeping the fill to under an acre. Discussion was had on what plans were presented to the Board. The plans do not show a driveway, drainage details, silk fencing, Etc. As well as no conditions on the plans, how long will the fill be taking place. Mr. Gilbert was not happy with the Town's requests. He stated he has federal approval, and will fill regardless. Mr. Gilbert said he does not need a SWPP, since he is keeping it under 1 acre, as well as, he has Army Corps approval for this project.

Mr. Gilbert stated he has made this particular property, better than it was before, and he will not spend more money than he has to, to get this fill permit, he will just proceed. Chairman informed Mr. Gilbert, he has not obtained approval for any work, the proper steps must be followed, as well as conditions placed by The Board. All conditions, were in the process of being discussed, when Mr. Gilbert walked out, leaving the meeting. He then returned to hear the Boards requirements, which were as follows:

- A) Must have a property map with property lines shown with driveways and fill plan.
- B) Must have drainage details i.e. silk fencing, drainage location, etc.
- C) List conditions on fill, as well as cover in between fill
- D) Show the exact area of fill

MARIANI PROPERTY-6489 NEWPORT RD-SUBDIVISION-TAX MAP ID #054-04-18.0 (RHD)

Mr. Steve Sehnert, land surveyor, Baldwinsville, was present on the Applicants behalf. The Mariani property is about 18 acres on Newport Rd., bounded North by the CXL Railroads. There is an existing house on the parcel, currently, being renovated. Mr. Sehnert stated, The Mariani's would like to cut out a legal one acre parcel. An existing gravel road gives access to Newport Rd. (right of way) and plans show access to utility and access to 17 acres West of the property. The Chairman would like all the way to the West showing on the plans, with pole barn and house way to the back, to show a 20ft easement.

Ms. Nadine Bell asked if the Lot 2 easement was intended for the beneficiary of one property- could the property to the West prevent the usage of the easement to Lot 2 property. Mr. Sehnert answered that yes, Lot 2 will be the intended beneficiary, adding that Lot 2 is only accessible by the easement. Mr. Sehenert was made aware that this was a recorded easement, it needs to have a known beneficiary to that easement, as this may cause an issue in the future. Mr. Sehnert will provide an easement agreement at next meeting, and it must have the property listed as a parcel to benefit. Mr. Sehnert said, he will get all that to Ms. Bell.

Chairman opened SEQR, and resolution to declare Town Lead Agency under SEQR. End of motion called. Mr. Ruddock carried first motion, seconded by Mr. Budosh. Motion to call a Public Hearing for the Mariani Property July 14, 2020, for subdivision. Motion carried by Mr. Ruddock, seconded by Mr. Bowes. An Area Variance will be required, since it will be a non-conforming lot. This can be done concurrent, must be referred to County Planning. Motion to hold called, until variance application is done-Mr. Bowes carried first, followed by Mr. Ruddock.

Adjournment at 8:45pm Mr. Ruddock carried first motion to adjourn, seconded by Mr. Budosh.

Mr. Hoy made comment to Arrow Space signing off on SWPP, making it ok for them to proceed. As well as, Mr. Mike McConnell, of Winchell Rd by Hotel, will be submitting a new site plan.

