

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on August 6, 2019 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

Ms. Wendy Van Der Water	Councilor
Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Ms. Patricia Dickman	Councilor
Mr. Ronald Dudzinski	Councilor
Ms. Mary Frances Sabin	Deputy Supervisor
Mr. Claude Sykes	Supervisor

Also present:

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

Pledge of Allegiance and Roll Call.

Approve minutes of the Special Town Board Meeting on July 22, 2019:

164-19-000 MOTION BY Ms. Dickman, seconded by Ms. Van Der Water, to approve the minutes of the Special Town Board Meeting on July 22, 2019 as published.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Public Hearing on Marion Meadows PUD Amendment:

165-19-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to recess the regular meeting, open the public hearing and waive reading the legal notice published on July 25, 2019 in the *Post Standard*.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Mr. Sykes said three story apartment buildings were approved for this site ten years ago but the developers have asked to change that to 65 townhouses. He said this amendment is to setback requirements to allow for this change in building style.

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Mr. Sykes asked if anyone wanted to speak in favor of this proposed local law.

Mr. Michael D'Arrigo was present to address the Board. He said they worked with the Planning Board on the current design and are asking to change the setbacks along Rt. 690 to 25 feet and along the easterly side of the property to 35 feet to accommodate the design.

Mr. Sykes asked if there was anyone who is opposed to this proposed local law.

Mr. Andy Bowes said he is concerned about increased traffic on Van Buren Road and asked about sidewalks for children walking to the Middle School.

Mr. Sykes said any traffic concerns will be addressed by the Planning Board.

Mr. Shaun Burdick, Caserta Drive, cautioned that since many trees were taken down his neighbors who are near Rt. 690 have been complaining about noise.

Mr. D'Arrigo said they are looking at ways to mitigate noise from the highway with natural screening for a visual and audio barrier.

166-19-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to close the public hearing and resume the regular meeting at 7:07 pm.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider approval of PUD amendment for Marion Meadows (Marion Gardens):

167-19-049 MOTION BY The following resolution was offered by Ms. Lesniak, 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-2019, “A Local Law Confirming the Zoning Designation for Certain Property as Being Zoned Planned Unit Development (PUD) in the Town of Van Buren and Amending the 2015 Marion Meadows PUD Zoning Plan,” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on July 16, 2019; and

WHEREAS, a public hearing was held on such proposed local law on this 6th day of August 2019, 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, the enactment of Proposed Local Law No. F-2019 has previously been determined by this Board to be an unlisted action and will have no significant effect on the environment issuing a negative declaration at its July 16, 2019 meeting thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. F-2019.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact proposed Local Law No. F-2019 as Local Law No. 6-2019 as follows:

**LOCAL LAW NO. 6-2019
TOWN OF VAN BUREN**

**Local Law Confirming the Zoning Designation for Certain
Property as Being Zoned Planned Unit Development (PUD) in
the Town of Van Buren and Amending the 2015 Marion
Meadows PUD Zoning Plan**

BE IT ENACTED by the Town of Van Buren Town Board, as follows:

Section 1. The Town of Van Buren confirms the enactment of Local Law No. 8 of 2010, which approved the zoning use designation of certain lands described herein as Planned Unit Development (PUD) as that zoning classification is defined and regulated pursuant to the provisions of Chapter 200 of the Code of the Town of Van Buren as previously amended and further adopts a revised development plan for the Marion Meadows PUD, prepared by Plumley Engineering, dated June 19, 2019, which sets forth an amendment on lot 91, as described in the attached Schedule A, to the rear yard setbacks along NY Route 690 and the eastern boundary to 25 feet and 35 feet, respectively, as well as a change in use on lot 91 from “Apartments” to “Townhouses,” as shown on the revised PUD map.

See Schedule “A”

Section 2. The Town of Van Buren Zoning Map shall be amended to reflect the zoning use classification, as herein provided.

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

SCHEDULE “A”

All that tract or parcel of land situate in the Town of Van Buren, County of Onondaga and State of New York, being part of Farm Lot Nos. 13 and 14 in said Town, being part of lands conveyed to Hyacinth Land Development, LLC by deed recorded in the Onondaga County Clerk’s Office in Book 4911 of Deeds at page 447, being Future Apartment Lot No. 91 as shown on Preliminary Plan of Marion Meadows by Ianuzi and Romans Land Surveying, P.C. dated April 1, 2013, last revised July 12, 2016; bounded and described as follows:

Beginning at a point in the easterly boundary of Tuscany Lane, said point being the southwesterly corner of Lot No. 60 of Marion Meadows Phase 1 according to a map of said tract

by Ianuzi & Romans Land Surveying, P.C. filed in the Onondaga County Clerk's Office March 3, 2016 as Map No. 12158; running thence S 83°13'03" E along the southerly boundary of said Lot No. 60 of Marion Meadows Phase 1, a distance of 28.40 feet to the northwesterly corner of Lot No. 1 of Clarence E. Bort Estate according to a map of said tract filed in the Onondaga County Clerk's Office May 24, 2006 as Map No. 10430; thence S 18°01'32" W along the westerly boundary of said Lot No. 1 of Clarence E. Bort Estate and the westerly boundary of Lot No. 2 of said Clarence E. Bort Estate, a distance of 987.21 feet to the northeasterly boundary of Interstate Route No. 690 (Baldwinsville - State Fair S.H. No. 8496); thence northwesterly along said northeasterly boundary of Interstate Route No. 690 (Baldwinsville - State Fair S.H. No. 8496) the following courses and distances: 1) N 49°02'03" W, 18.68; 2) N 45°40'02" W, 800.13 feet; 3) N 43°44'05" W, 28.00 feet to the southerly boundary of said Marion Meadows Phase 1; thence easterly along said southerly boundary of Marion Meadows Phase 1 the following courses and distances: 1) N 55°55'58" E, 50.45 feet; 2) N 71°05'22" E, 49.26 feet; 3) S 88°47'11" E, 30.76 feet; 4) S 83°16'01" E, 59.69 feet; 5) N 60°59'52" E, 48.79 feet; 6) N 77°44'07" E, 64.47 feet; 7) S 78°24'58" E, 48.13 feet; 8) N 82°17'37" E, 45.04 feet; 9) N 89°35'08" E, 53.95 feet; 10) S 64°27'56" E, 61.97 feet; 11) S 76°23'35" E, 45.99 feet; 12) S 72°22'40" E, 64.88 feet; 13) S 79°25'58" E, 83.49 feet to the southeasterly corner of Lot No. 38 of said Marion Meadows Phase 1; thence N 18°20'26" E along the easterly boundary of said Lot No. 38 of Marion Meadows Phase 1, a distance of 187.38 feet to an angle point therein; thence N 06°57'27" E continuing along said easterly boundary of Lot No. 38, a distance of 50.68 feet to the southeasterly boundary of said Tuscany Lane; thence northeasterly and northerly along said southeasterly and easterly boundaries of Tuscany Lane following a curve to the left having a radius of 185.00 feet, an arc distance of 199.31 feet to the point of beginning.

Subject to any easements and restrictions of record.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider amendment of Seneca Neighborhood PUD which includes a new conceptual plan dated 6/28/19 and requirement list from Planning Board with their positive recommendation, set public hearing for 8/20/19 at 7:00 pm:

Mr. Brandon Jacobson, Brolex Properties, was present to address the Board. He said the proposed changes to the PUD are due in large part to a change in the type of product they want to offer.

Ms. Sabin asked if Ryan Homes is still building the houses.

Mr. Jacobsen said no. He said they will work with a variety of homebuilders. He said the requested PUD change is to make lots with 100 foot frontage for 2020 Parade of Homes. He said this will be an exciting event in Van Buren and averages 40,000 people.

Ms. Lesniak asked what the total numbers of homes they are requesting with this amendment.

Mr. Jacobsen said 84 single family homes, 72 attached townhomes and 18 detached homes.

168-19-039 Councilor Sabin introduced proposed Local Law No. G-2019, titled “A Local Law Confirming the Zoning Designation for Certain Property as Being Zoned Planned Unit Development (PUD) in the Town of Van Buren and Amending the 2019 Seneca Neighborhood PUD Zoning Plan,” which Local Law would adopt a revised development plan for the Seneca Neighborhood, which sets forth a reduction in lots from 193 to 172, resulting in larger lot sizes, an increase in open greenspace and the inclusion of patio/duplex homes with zero lot lines, as shown on the revised PUD map, prepared by Keplinger Freeman Associates, dated February 26, 2019, as last revised June 28, 2019, which was seconded by Councilor Tupper, to wit:

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Van Buren; and

WHEREAS, the Town of Van Buren’s Planning Board recommended approval of this action at its July 9, 2019 meeting; and

WHEREAS, this Planned Unit Development (PUD) was previously referred to the Onondaga County Planning Board and on June 4, 2019 that Board concluded there were no significant adverse inter-community or county-wide implications but did offer comments for the next phase should the Town Board approve the requested zone change; and

WHEREAS, since the proposed changes to the PUD Plan are more than *de minimus* in nature, said amendment request shall be referred to the Onondaga County Planning Board for further review and comment; and

WHEREAS, a Full EAF in support of this local law has been submitted by the applicant, Brolex Properties, LLC, dated May 28, 2019, and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria and has reviewed its prior SEQR determination rendered on June 4, 2019.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. G-2019 is a Type I action, the Town Board shall proceed as lead agency on an uncoordinated basis in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED, the Town Board upon review of the amended plan, the Full EAF and project, has considered the impact of the amendments, which are limited to the addition of patio/duplex homes and an increase in lot sizes and greenspace, on land, water, transportation and traffic, community growth and character, critical environmental areas, threatened and endangered species, noise and air quality resources; and it is further

RESOLVED AND DETERMINED, that the Town Board has determined that the addition of patio/duplex homes and the proposed increase in lot sizes and greenspace will have no adverse impact on the environment; and it is further

RESOLVED AND DETERMINED, that as a result of the limited scope of the proposed amendments, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA and further this Board ratifies and reaffirms its prior negative declaration issued on June 4, 2019 for this project; and it is further

RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. G-2019 at the Van Buren Town Offices located at 7575 Van Buren Road in the Town of Van Buren on August 20, 2019 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider approval for Deputy Codes Officer to attend training on 9/27/19 in Chemung County at a cost not to exceed \$350.00:

169-19-027 MOTION BY Mr. Tupper, seconded by Ms. Sabin, to approve Deputy Codes Officer to attend training on 9/27/19 in Chemung County at a cost not to exceed \$350.00.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Authorize Engineer to prepare bid documents for Section 11 of Seneca Knolls Drainage Project (Snowdale-Hosmer to Bump) with bid date for August 30, 2019 at 10:00 am:

170-19-013 MOTION BY Ms. Sabin, Ms. Dickman, to authorize Engineer to prepare bid documents for Section 11 of Seneca Knolls Drainage Project (Snowdale-Hosmer to Bump) with bid date for August 30, 2019 at 10:00 am.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Authorize Engineer to order stainless steel impellers for Exit 39 Pump Station at a cost of \$9,860.00 with delivery to WEP:

Mr. Hoy said we have had issues with this particular pump station's hardware wearing out quickly. He said investigations into why have not identified the source. He said the town had stainless steel wear rings installed and they have held up better than other materials so he would recommend the stainless steel impellers as well.

171-19-045 MOTION BY Ms. Van Der Water, seconded by Mr. Dudzinski, to authorize Engineer to order stainless steel impellers for Exit 39 Pump Station at a cost of \$9,860.00 with delivery to WEP for installation.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider approval of fence waiver for 421 Tuscany Lane:

Mr. Hoy said this lot backs up to a stormwater management area and will not affect drainage.

172-19-001.1 MOTION BY Ms. Dickman, seconded by Ms. Van Der Water, to declare these actions Type II under SEQRA with no adverse environmental impacts and approve the fence waiver for 421 Tuscany Lane.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Consider approval of waiver to allow shed in easement at 222 San Marino Path:

Mr. Hoy said there is an easement for all parcels for continuity but this property is at a high point and there are no drainage facilities in the easement.

173-19-001.1 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to declare these actions Type II under SEQRA with no adverse environmental impacts and approve the placement of a shed in the easement at 222 San Marino Path.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Approval of trash hauler license for Waste Management:

174-19-021 MOTION BY Mr. Tupper, seconded by Mr. Dudzinski, to approve issuance of a trash hauler license for Waste Management.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Sabin said there is a Land Use Committee meeting scheduled for August 13th at 5:00 pm to go over the final proposed changes to the solar law and then it will be presented to the Board for their consideration.

Ms. Sabin said she has been in contact with Verizon about installing FIOS to Condos 2 and 3 in Village Green. She said they are in the process of getting easements through the property management company and once they have access will install the lines for FIOS.

Ms. Van Der Water asked if there has been any interest in the old highway garage.

Mr. Foster said he has shown the property and buildings to seven people.

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Ms. Dickman said she is waiting to hear back from the highway union's representative to schedule a meeting to start negotiations.

Highway Superintendent Comments:

Mr. Foster gave an update on paving. He said, weather permitting, the contractor will be in town working in Harbour Heights, Village Green, Seneca Knolls and Connors Road. He said they will be micropaving and encouraged people to be aware and follow the directions of the paving crews since this application does require some time to dry before you can drive on it.

Mr. Dudzinski said many roads were repaired or repaved this summer despite the setbacks with the weather.

Mr. Foster said they did wind up having good luck with availability of the paving company and he is pleased it will be done before school starts.

Supervisor Comments:

Mr. Sykes thanked the Pac-B videographer for his service and recording the town meetings and wished him luck in college.

Mr. Sykes said the County Industrial Agency will be holding a public hearing at town hall on August 12, 2019 at 10:00 am to hear comments on a proposed PILOT for Conifer Village.

Engineer Comments: None

Attorney Comments: None

Citizens Comments:

Mr. Bowes asked if the town is responsible for paving a small portion of Crego Road that the County did not pave.

Mr. Foster said he has contacted County DOT about that spot and has not heard back from them yet about when they will make the repair.

175-19-000 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to adjourn to the next Regular Town Board Meeting on August 20, 2019 at 7:00 pm.

Ms. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Ms. Dickman – Yes, Mr. Dudzinski – Yes, Ms. Sabin – Yes, Mr. Sykes – Yes

All Ayes – Motion Carried & Adopted

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Meeting closed 7:27

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 8/7/19