

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on September 1, 2020 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

Mrs. 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:

Ms. Rich Andino	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Greg Maxwell	Comptroller
Mr. Casey Palmer	Code Enforcement Officer
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve minutes of the 8/18/20 Regular Town Board Meeting:

115-20-000 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to approve the minutes of the 8/18/20 Regular Town Board Meeting as published.

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

Motion Carried & Adopted

Public Hearing on Local Law A-2020 Chapter 145 of the Van Buren Code regarding Property Maintenance and Controlling Junk:

Mr. Sykes said this law applies only to properties in Van Buren that are outside of the Village. Mr. Sykes said we will take comments from those here in person and those attending through Zoom and each person will have a three minute time limit with a two minute extension.

Mr. Sykes asked that people direct their comments to the Board and not each other.

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Mr. Sykes said this hearing will remain open until the next Board meeting on September 15th. You can email comments to clerk@townofvanburen.com or mail them to the clerk at 7575 Van Buren Road, Baldwinsville, New York 13027.

Mr. Sykes said this meeting is being recorded by Baldwinsville PAC-B and will be available to view on their cable channel or website.

116-20-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on August 20, 2020.

Mrs. 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

Ms. Sabin said this proposed local law was introduced at the last meeting and was developed based on complaints from residents. Ms. Sabin said the New York State Property Maintenance Law cites properties that are not clean, safe and sanitary and we thought that was too broad. This law introduced definitions and requires residents keep their properties to a minimum standard.

Ms. Sabin said the clerk has received 25 letters to date with 13 in favor of the proposed law and 12 opposed.

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

Ms. Mary Sullivan, 508 Crandon Terrace, said she is in favor of the law. She said she keeps her property in good condition and wants to be proud of where she lives and not see messy properties.

Mr. Peter Wilder, 105 Highview Dr., via Zoom, said he is opposed to the law as the language is very broad and that concerns him. He said it is subjective. He said he looked at other codes and much of this is taken from Manlius and Clay where they provide yard waste pickup.

Mr. Mike Sullivan, 508 Crandon Terrace, is in favor and thinks it contains common sense rules.

Mr. Paul Dreher-Wiberg, via Zoom, said he is favor of this law. He said he has made efforts in the past to get a property cleaned up to no avail and it affects property values.

Lyn Pinto, 103 Clarewood Drive, said she is in favor of this law. She said there are problems with homes in her area that have been left for 15 – 20 years and never been addressed.

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Mr. Tony Vertucci, 116 Cheerwood Drive, is in favor of this law. He said he has lived in his home for 43 years and has noticed a decline and has a house near him that has turned their yard into a junkyard.

Mr. Loren Michels, 114 Cheerwood Drive, said he is in agreement with law.

Ms. Mary Hendall, 11 Division Street, via Zoom, said she is in favor of the law. Mr. Sykes said it will not apply to her since she lives inside the Village of Baldwinsville.

Ms. Donna Vacco, 119 Cheerwood Drive, is in favor of this law.

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

Ms. Ellen Roloff, 113 Hunter Drive, via Zoom, said she is opposed.

Mr. Scott Johnson, 119 Seneca View Drive, via Zoom said he is opposed because it does not offer enough time to take corrective action.

Mr. Ray Lafferty, 125 Cheerwood Drive, said he is in favor.

Ms. Janet Rasbeck, 24 Commane Road, via Zoom, said she is opposed because the wording is too subjective.

Ms. Mary Crego, 47 Cross Country Drive, said she is against this. She said the current code, if enforced is sufficient. She said this takes away too many rights.

Ms. Nicole Dowd, via Zoom, said she is opposed.

Mr. James Minoee, 6900 Peck Road, via Zoom, said he is opposed to this as written.

Mr. Lee Tetu, 32 Commane Road, said he is opposed to this because it is overreach of government. There is no due process, no appeal process and no ability to face accuser. He said the definitions are too broad and invites neighbors to create issues. He said he moved here because it is a community without covenants. He said he appreciates the work that went into this but it needs a fundamental redo.

Mr. Thomas Rasbeck, 24 Commane Road, via Zoom, said he is opposed and said some people are having difficulties because of the pandemic and suggested the Board postpone this.

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(First name inaudible) Miller, via Zoom, said he is opposed to this law.

Mr. Scott Johnson, via Zoom, said this is way too strict.

Ms. Kelly Roe, 7491 State Fair Blvd, via Zoom, said she is opposed to this law as currently written.

****End of public comments****

Ms. Dickman said she has been a realtor for 30 years and curb appeal is the most important item when selling or buying a house. She said very often buyers will drive around a neighborhood before they purchase and houses and yards considered an eyesore can cause difficulties for sellers. She said these properties do lower property values for those around them.

Mrs. Van Der Water said she feels that the people who live in Van Buren live here because of the freedoms we offer. She said if a property is a health hazard then government must step in but we should not be telling people how to store toys, seasonal lawn furniture or how long they can take to repair a vehicle. She said she encourages everyone to submit comments because this is your town.

Mr. Sykes said this law does not prevent anyone from working on their car but you can't take six months to repair it. He said it was also stated it applies to Village properties and it does not. He said there has been a lot of misinformation about this and he apologizes for that.

Mrs. Van Der Water asked if there is no time limit to perform a car repair in this law?

Ms. Sabin said it applies to egregious properties with cars on jack stands for six months that no one has worked on, it doesn't apply to someone changing their oil or repairing brakes. You cannot dismantle a car in the driveway.

Mr. Tupper said we have different areas for zoning with different rules for each. He said not all practices are allowed everywhere. He said you can't run a garage or keep pigs in a residential area and we need laws to address that. He said when someone flouts the laws next door to you it damages the whole neighborhood. All we are asking for is mutual respect.

117-20-000 MOTION BY Ms. Sabin, seconded by Mr. Dudzinski, to recess the public hearing and leave it open to the September 15th Town Board Meeting at 7:00 pm for comments and resume the regular meeting at 7:54 pm.

Mrs. 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 application for zone change for tax id 064.-03-04.0 (7376 State Fair Blvd.) from R-40 to R-15 and set public hearing for September 15, 2020 at 7:05pm.

Mr. Ralph Mills was present to address the Board. He said his property is currently the only one in the area zoned R-40. He would like to build a pole barn and to do so in the place he would like he requires R-15 zoning so he can build with a five foot setback.

Mr. Sykes said it makes more sense for us to change the zoning to be the same as those properties around him than it does for him to get a variance from the Planning/Zoning Board.

Mr. Sykes said the Planning Board will be giving their recommendation at their meeting next week so we can keep this application moving along.

118-20-039 MOTION BY Ms. Dickman, seconded by Mrs. Van Der Water, declare the Town Board as lead agency with the Planning Board as an involved agency, with the Town Board acting in uncoordinated basis and declare this an unlisted action un der SEQRA and to consider application for zone change for tax id 064.-03-04.0 (7376 State Fair Blvd.) from R-40 to R-15 and set public hearing for September 15, 2020 at 7:05 pm.

Mrs. 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 fence waiver for 707 Fairway Circle:

Mr. Hoy has looked at this property and is comfortable with the waiver.

119-20-055 MOTION BY Mr. Tupper, seconded by Ms. Sabin, to declare these actions Type II under SEQRA with no adverse environmental impacts and approve the fence waivers for 707 Fairway Circle.

Mrs. 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. Lesniak asked for residents to please keep your comments coming on the proposed property maintenance law.

Ms. Dickman thanked Ms. Sabin, Mr. Tupper and Mr. Dudzinski for working on this property maintenance law for over a year. She said someone had mentioned that our language is similar to other towns and we will often look to other town codes that work well. She encouraged residents to submit comments but she knows we cannot please everyone.

Mr. Tupper said he hopes the senior center can reopen soon.

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Mr. Dudzinski thanked everyone for their comments.

Supervisor Comments:

Mr. Sykes asked anyone who has not completed their Census survey to please submit it. He said it is the basis of most funding sources in federal and state governments.

Citizens Comments:

Ms. Mary Crego asked if the board has heard any news on the Canton Street bridge over the Thruway and if they are still considering taking it down.

Mr. Sykes said the town has received an acknowledgement that the Thruway Authority has received our resolution asking them to repair the bridge rather than take it down. He said he knows many businesses have also written to ask that they leave the bridge such as Sysco, Sabre Demolition.

Engineer Comments: None

Attorney Comments: None

120-20-000 MOTION BY Ms. Lesniak, seconded by Ms. Sabin, to adjourn to the next Regular Town Board Meeting on September 15, 2020 at 7:00 pm.

Mrs. 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

Meeting closed 8:06 pm

Respectfully submitted,

Lynn Precourt

Town Clerk

Dated: 9/2/20