

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on September 15, 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. Doug Foster	Highway Superintendent
Ms. Theresa Golden	Assessor
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 9/1/20 Regular Town Board Meeting:

121-20-000 MOTION BY Ms. Dickman, seconded by Mrs. Van Der Water, to approve the minutes of the 9/1/20 Regular Town Board Meeting as published.

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

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

122-20-000 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 *Post Standard* on 9/8/2020.

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

Mr. Sykes asked if anyone joining through Zoom wished to speak in favor or against this proposed local law. No one spoke.

Mr. Sykes asked if there was anyone in the audience who wanted to speak in favor or against this proposed local law.

Mr. Ralph Mills, 7376 State Fair Blvd., said he heard a large number of people from Cheerwood Drive speak in favor of this so there is a specific problem on that street. He said he doesn't want to see the Board pass a law for the whole town to address specific issues. He said he has a classic car that he had sitting outside with no motor in it for years. He said he has since put in a new motor and spends about 1000 hours a year working on it and this new law is too restrictive on cars.

Mrs. Van Der Water said she has the town at an even split of 43 to 43 and having it that close in terms of for and against means the Board needs to do more work on this.

Ms. Lesniak agreed, she said though the Board has not heard from everyone in town since this will affect everyone she feels it is not ready for adoption.

Ms. Dickman said looking at the response of 50/50 it is still a small percentage of the town who have said they do not want this law. She said normally the people who comment or speak at a public hearing are those who are not in favor of the issue. She said there is a lot of misunderstanding about this law too. She said much of it is already in the code and all this does is define things so the Code Enforcement Officer can enforce. She said much of this is already in NYS Code and has always been there. She said the town is certainly not going to ask our Code Enforcement Officer to go around looking for problems.

Ms. Dickman said she has been a realtor for 30 years and knows a property in disrepair affects the value of those around it. She said it is the responsibility of the Board to maintain property values.

Mrs. Van Der Water said adding the definitions is where the restrictions are found. She read that this law requires homeowners to cover all seasonal vehicles and it reads that toys, recycling bins and wheelbarrows, if left outside for more than seven days, are a potential violation.

Ms. Sabin said she wanted to clear up misconceptions, under the current NYS Code you can be fined up to \$1,000 a day and depending on the fine amount can be charged with a misdemeanor or felony. She said the town's Code allows a courtesy period of 15 days before a formal violation notice is served and a fine of up to \$250 a day.

Ms. Sabin said she has heard it pits neighbor against neighbor, but she has been told by residents that they are reluctant to call the town because of what the neighbor might do to them.

She said the purpose of this law is to get compliance. Under the NYS Code your property has to be clean safe and sanitary and that is too broad a definition. This issue was brought to the Land Use Committee's attention because of resident complaints and problems with enforcement. She said she has heard that this law doesn't allow for due process; it allows a resident to make a complaint and the Code Enforcement Officer to look at the property and determine if it is violation. If it is not then he can tell the resident who called it's not and if it is, the court will determine the outcome.

Mrs. Van Der Water said this law still has penalties and up to 15 days in jail, the same as the current Code.

Ms. Lesniak asked how many cases have gone to court.

Mr. Palmer, Code Enforcement Officer, said the previous codes officer had nine, last year he had one and this year he is easily on track for more than 10. He said it all comes down to language and if he interprets it differently than homeowner. He said he can argue with a homeowner but in the end he is looking for compliance. He said everyone wants to complain to the town and no one will talk to their neighbors. He said this law gives definitions so everyone is on the same page.

Mr. Tupper said he agrees with what the other Board members have said tonight.

Mr. Scott Johnson, 119 Seneca View Drive, via Zoom, asked about boat storage in the backyard when everyone where he lives is on a corner lot. He asked about seasonal vehicles, if they need to be registered.

Mrs. Van Der Water said current code allows one unregistered vehicle and this Code allows none.

Ms. Sabin said you can have a seasonal vehicle if it is registered.

Mr. Johnson said seasonal vehicles often sell only within that season, for instance I have a lot of boats, they sell in summer.

Ms. Sabin said there have been questions about putting this to a referendum and that is not possible under the law.

123-20-000 MOTION BY Ms. Lesniak, seconded by Ms. Sabin, to close the public hearing and open the public hearing for Local Law B-2020 and waive reading the legal notice published in the *Post Standard* on 9/3/2020 at 7:28 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

Mr. Sykes said the Board has received a positive recommendation from the town Planning/Zoning Board and the comments from Onondaga County said it will have no adverse effects.

Ms. Sykes asked if there was anyone to speak in favor or against this proposed zone change.

Mr. Ralph Mills, 7376 State Fair Blvd., said it is his property and he is in favor.

124-20-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to close the public hearing and resume the regular meeting at 7:30 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

Action on Local Law B-2020:

125-20-030 The following resolution was offered by Councilor Mrs. Van Der Water, who moved its adoption, seconded by Councilor Sabin, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2020, A Local Law Amending the Zoning Map of the Town of Van Buren to Change the Zoning Designation of Certain Property from being Zoned Residential-40 (R-40) to Being Zoned Residential R-15 (R-15)”, was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on September 1, 2020; and

WHEREAS, a public hearing was held on such proposed local law on the 15th day of September, 2020 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 comment, and the OCPB took no position; and

WHEREAS, the OCPB session having taking place, the OCPB determined in OCPB Case # Z-20-247, by Resolution dated September 02, 2020, that the proposed Local Law will have no

significant adverse inter-community or county-wide implications and offered several comments which will be considered by the Town with respect to this project; and

WHEREAS, that the Town of Van Buren Planning Board/Zoning Board of Appeals reviewed the request for a zone change at 7376 State Fair Blvd from R-40 to R-15 and since the property is bordered by R-15 to the Northwest and Southeast, this change would not be considered spot zoning. The Board voted to send the Town Board a positive recommendation for the zone change; and

WHEREAS, the enactment of Proposed Local Law No. B-2020 has previously been determined to be an unlisted action, and the Town Board declared itself as lead agency for purposes of SEQRA; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2020.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED AND DETERMINED, that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact proposed Local Law No. B-2020 as Local Law No. 1-2020 as follows:

TOWN OF VAN BUREN
LOCAL LAW 1-2020

A Local Law Amending the Zoning Map of the Town of Van
Buren to Change the Zoning Designation for Certain Property
From Being Zoned Residential-40 (R-40) to Being Zoned
Residential-15 (R-15) 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 change the zoning use designation of certain lands described herein in Schedule "A" from Residential-40 (R-40) to Residential-15 (R-15) as those zoning classifications are defined and regulated pursuant to the provisions of Chapter 200 of the Code of the Town of Van Buren

7376 State Fair Blvd, Tax Map No. 064.-03-04.0

(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: 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

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Van Buren, County of Onondaga and State of New York, and being Part of Lot 15 of said Town bounded and described as follows: Beginning at an iron pipe in the east line of the old Baldwinsville-Syracuse Highway, New York State Route 48, which point is the southwest corner of a parcel conveyed to William Grabosky and Hedwig Grabosky by deed dated August 30, 1950 and recorded in the Onondaga County Clerk's office August 31, 1950 in book 1464 of Deeds, at Page 521; thence N 66° 48' 50" E along the easterly boundary line of said parcel conveyed to Grabosky, 200 feet to an iron pipe the southeast corner of said parcel so conveyed to Grabosky; thence N 66° 56' 55" E along a parcel conveyed to one Rowe as recorded in the Onondaga County Clerk's Office in Book 2600 of Deeds, at Page 806 a distance of 89.09 feet to an iron pipe in the southeast corner of said parcel conveyed to Rowe; thence N 66° 39' 10" E 50.0 feet along the boundary of a deed to one Swartz recorded in the Onondaga County Clerk's Office in Book 2806 of Deeds, at Page 164; running thence S 24° 24' 20" E 52.67 feet to an iron rod; thence S 24° 04' 35" E 136 feet to an iron pipe; running thence S 63° 02' 45" W 239 feet to an iron rod; thence S 27° 35' 05" E along the boundary of a deed to Route Forty-eight Corp. as recorded in the Onondaga County Clerk's Office in Book 2025 of Deeds, at Page 627; thence S 68° 05' 40" W 88.63 feet to a point in the boundary line of said Route 48; running thence N 27° 32' 20" W along the easterly boundary line of said Route 48 281.05 feet to an iron pipe the place of beginning.

Being the same premises as conveyed to Ralph V. Mills and Sheri L. Mills, his wife from Marie Van Ness and Barbara Ketchum by deed dated January 17, 1984, recorded in the Onondaga County Clerk's Office on January 30, 1984 in Book of Deeds 3068 at Page 179.

Assessor's Report:

The Town received 1 filing for Small Claims assessment review. The hearing was scheduled on August 27, and resulted in no change to the assessment.

The Town received 2 Supreme Court filings to challenge their assessments. One returning case Village Green Apartments and one new case Comfort Inn. All documents have been forwarded to the Town Attorney.

Preliminary review of sales for the 2021 assessment roll indicates at minimum a 4% increase in residential home values from 7/2019 to 7/2020. Further review/analysis by the Assessor and NYSORPTS will indicate neighborhood reappraisal work for the 2021 assessment roll.

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Work on the 2021 assessment roll started on July 6 and will continue until the Tentative Roll is filed on May 1st. Inventory changes from completed permits are entered after processing/verification. Exemptions are removed or updated as needed due to ownership, age, or residency changes.

Renewals for the Senior Citizen and Disability exemptions were mailed on Friday September 11. The deadline for exemption new applications or renewals is March 1st 2021.

The backlog of deeds received from the County after shut down have been processed/entered. The lag time between recording at county and received by the Town is still 2 months.

The NYS Annual Fall Assessment Conference is virtual only this year. All one day in person seminars have been canceled thru December. The Assessor has received recertification with the IAO and has completed the required 60 credits over the past 5 years. Please see attached.

Ms. Sabin asked if Village Green apartments is looking for reduction for whole complex?
Ms. Golden said yes.

Ms. Sabin said the Comfort Inn has not been open and they are looking for reduction?
Ms. Golden said Comfort Inn is open and they have provided income information. They are looking for reduction in assessment due to Covid.

Ms. Sabin asked if she has received calls from any other commercial property owners asking for assessment reduction due to Covid.

Ms. Golden said none yet.

Consider resolution regarding Highway Dept. mechanic salary:

126-20-038 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to approve the following resolution:

WHEREAS, the Town has recently experienced difficulty in both recruiting and retaining staff to fill the position of Mechanic within the Town's Highway Department; and

WHEREAS, the Town has determined that it is both necessary and beneficial to the operation of the Department to reallocate the pay level of the Mechanic position to a higher level in order to be more competitive in the labor market;

NOW, THEREFORE, the Town hereby approves the reallocation of the pay level of the Mechanic to the hourly rate of \$27.80 per hour, effective immediately upon approval of this resolution without retroactive pay applicable.

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:

Mr. Tupper said there is a Board of Directors meeting at Canton Woods on October 1st at 7:45 am. He said they have resumed some activities outside.

Highway Superintendent Comments:

Mr. Foster said the paving project on Village Boulevard South is complete. He said they will be starting drainage work on Village Boulevard North in anticipation of paving that road next year.

Supervisor Comments:

Mr. Sykes said the state is requiring towns to have emergency plans in place by April 2021 to deal with future communicable disease disasters. He said this will likely be done on a joint basis with other towns since it will be boiler plate language.

Citizens Comments: None

Engineer Comments:

Mr. Hoy said the drainage work in Seneca Knolls is done and seeding will start soon.

Attorney Comments: None

127-20-000 MOTION BY Ms. Dickman, seconded by Mr. Dudzinski, to adjourn to the next regular Town Board Meeting on October 6, 202 at 7:30 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 7:44 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 9/16/20