

The August 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
	Mark Budosh	present
	Jamie Bowes	present
	Roger Roman	present
	James Ruddock	present
	Jim Schanzenbach	present
	Tony Geiss	present

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

MINUTES

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

Motion called to Adjourn regular meeting to Public Hearing for Steven Delcostello, area variance. Motioned by Mr. Ruddock and seconded by Mr. Roman. Motion Carried.

PUBLIC HEARING- STEVEN DELCOSTELLO-AREA VARIANCE-7100 KINGDOM RD., MEMPHIS-TAX ID #044-03-02.0 (AR-80)

Chairman called for a motion to open Public Hearing. Mr. Ruddock carried first motion, seconded by Mr. Virginia. Motion carried. Mr. Steven Delcostello of 7100 Kingdom Rd., Memphis, was present. Mr. Delcostello discussed his plans on placing a garage where a carport had previously been. Mr. Geiss asked about the measurements taken by the land surveyor, in comparison to Mr. Delcostello's measurements, making a difference of 2ft. in from the original structure. Chairman asked for any comments. No comments made. Motion obtained to close Public Hearing by Mr. Ruddock, seconded by Mr. Budosh. Motion carried. Regular meeting back in session.

STEVEN DELCOSTELLO-AREA VARIANCE-7100 KINGDOM RD., MEMPHIS-TAX ID #044-03-02.0 (AR-80)

Mr. Geiss discussed what Mr. Delcostello was asking for. There was an existing carport, needing to come down, due to age. Mr. Delscostello purchased the home, with the carport already erected, not meeting the setback requirements. He wants to build the garage in place, making it 2ft. shorter, but still not meeting proper setbacks. SEQR was determined to be a Type II action. The Town attorney asked clarification on length, which will be the same as the house, 12'x 26', lining up with the structure. Mr. Geiss read the resolution as follows:

RESOLUTION NO. 20__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

Steve Delcostello of 7100 Kingdom Road has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code relating to the construction of an attached garage, measuring 12 feet x 26 feet, which will be located to the north of the existing house. The property is located in the A-80 District and is identified as Tax Map No. 044.-03-02.0 ("Property").

Mr. Delcostello appeared before the Zoning Board of Appeals and, speaking in favor of the application, described the proposed construction of an attached one (1) car garage (now becoming a two (2) car garage) measuring 12 feet x 26 feet in the side yard of the Property. Section 200-45 of the Zoning Code prohibits the placement of structures within 40 feet of the side yard boundary line. Mr. Delcostello explained that due to replacing an existing carport, the proposed placement of the garage, approximately 35.9 and 33.2 feet from the side yard boundary line at the northern corners of the structure, is necessary. Therefore, a 7' side yard setback variance is required.

There was no objection to the proposal at the Zoning Board of Appeal's public hearing, which was held on August 11, 2020, pursuant to public notice.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, and an altered survey of the Property, prepared by Stephen Sehnert, dated August 18, 1999.

Based upon the foregoing, the Board resolves as follows:

1. This matter is Type II under the State Environmental Quality Review Act as it involves the granting of an area variance related to a single-family residential use.

2. It is determined that variance relief will not produce any undesirable change in the residential character of the neighborhood and will not be a detriment to nearby properties. Variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors did not express any opposition to the variance. There is no apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant outweighs any detriment to the neighborhood or community because of granting the variance relief.

3. Area variance relief from Section 200-45 is hereby granted to allow the construction of an attached residential garage measuring 12 feet x 26 feet, on property located at 7100 Kingdom Road, Tax Map No. 044.-03-02.0, 35.9 and 33. 2 feet from the side yard boundary line at the northern corners of the structure.

Dated: August 11, 2020

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

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u> x </u>	_____	_____
James Virginia	<u> x </u>	_____	_____
James Ruddock	<u> x </u>	_____	_____
Roger Roman	<u> x </u>	_____	_____
James Bowes	<u> x </u>	_____	_____

James Schanzenbach	<u> x </u>	<u> </u>	<u> </u>
Anthony Geiss	<u> x </u>	<u> </u>	<u> </u>

The house has an existing garage, that will be added to, making it a 2-car garage. End of motion. Mr. Ruddock motioned first, followed by Mr. Roman.

Roll Call Vote called:

- Mr. Virginia-yes
- Mr. Roman-yes
- Mr. Bowes-yes
- Mr. Budosh-yes
- Mr. Ruddock-yes
- Mr. Schanzenbach-yes
- Mr. Geiss-yes

Motion to adjourn regular meeting to Public Hearing for DG NY special use permit. Motion by, Mr. Ruddock, seconded by Mr. Schanzenbach. Motion carried.

PUBLIC HEARING- DG NEW YORK CS, LLC-SPECIAL USE PERMIT- W SORRELL HILL RD-TAX MAP ID #033.6-06-01.2, 033.-06-05.1(AR-80)

Mr. Brian Harper was present on Applicants behalf. Ms. Janet Ward was also present. Mr. Harper discussed the plans for the solar farm on Pottery Rd. facility, being a fixed array, with non-moving panels. A noise study, hasn't been done for the West Sorrell project, because if applicant decides on fixed panels, no noise study will be needed. Mr. Harper discussed the vegetated buffer around the site. Adding trees, 6ft. plantings, connecting around the site. The property on West Sorrell Hill will not be getting trees removed. Mr. Geiss stated he would like to discuss this project more in depth, and will be holding Public Hearing open for comments. Chairman asked for any comments. No comments made. Regular meeting, back in session.

DG NEW YORK CS, LLC-SPECIAL USE PERMIT- W SORRELL HILL RD-TAX MAP ID #033.6-06-01.2, 033.-06-05.1(AR-80)

Mr. Geiss asked Mr. Harper about the inverter location being close to a residential area. Mr. Harper responded there was an access road to the South of property and they wanted the inverter to go closer to that existing road, rather than have to make another. Mr. Geiss read from the code, and determined the inverter has to be moved to North of the property. Mr. Harper agreed. Mr. Geiss asked about the plantings and spacing between them. There will be a tree every 10ft. of White Spruce. Comments made, on gravel access road. Surface must be, stabilized, to keep gravel off main roadway.

Town engineer must review SWPP, there is minimum grading listed, but whole site is being graded. That would change the minimum acreage being disturbed. Mr. Harper stated whole site

shouldn't need to be graded. Mr. Hoy commented that they submitted plans that accommodated for runoff in the SWPP. Mr. Jamie Bowes went over a list of comments and concerns that he had. (See Attached, last page)

Mr. Schanzenbach asked about a detailed drawing on security fence showing it as a 7ft. chain-link, with no barbed wire, and no vinyl coating. Also to clarify White Spruces on plans and what size at planting. Mr. Geiss clarified there would be some digging for this project.

Motion called to adjourn regular meeting to open Public Hearing for DG NY special use permit. Mr. Ruddock carried first, seconded by Mr. Schanzenbach. Motion carried.

**PUBLIC HEARING- DG NEW YORK CS, LLC-SPECIAL USE PERMIT-EAST
SORRELL HILL RD-TAX MAP ID #032.-04-02.2 (AR-80)**

Mr. Brian Harper discussed this being a 5mw solar panel system, and still deciding whether it will be, fixed panels. He discussed the subdivision merging this property together. There were trees removed in February of this year. A discussion ensued on a release from NiMo, and their easement. Chairman asked Mr. Harper on inverter placement. Mr. Harper explained there was two inverters. One to cover half of property and another for the other half. Mr. Harper explains the two can't be too close, therefore the placement is there, more separated. Chairman asked for any comments. No comments. Public Hearing will remain open for 7 days, regular meeting back in session.

**DG NEW YORK CS, LLC-SPECIAL USE PERMIT-EAST SORRELL HILL RD-TAX
MAP ID #032.-04-02.2 (AR-80)**

Mr. Geiss asked if there were any plantings on the site. No, there aren't any plantings. Mr. Schanzenbach inquired why one inverter couldn't be used on the site. Ms. Janet Ward spoke and said the site was too large for one. 3mw's is all one inverter withstands, after this, it toggles, making a need for 2. Mr. Geiss asked Mr. Harper if he had been in contact with the schools, regarding the pilot proposal. Mr. Harper stated he had been in contact with the schools attorney. Mr. Bowes stated his comments for West Sorrell Hill, can also refer to East Sorrell Hill.

Mr. Schanzenbach asked why a vegetated screening, was not added to this site. Mr. Harper stated there is a large vegetated buffer already in place surrounding site, and there aren't any neighbors, nearby. Mr. Schanzenbach asked to show where trees had been cleared already. Mr. Virginia asked if panels, are to be added over pond. Yes they will be. The plans, need to be updated so that they coincide. Mr. Harper will revise plans, based on the Boards requests. The Town attorney commented on previous plans showing the fence perimeter not within the setbacks. Update this as well. Mr. Geiss inquired about a building on the plans to the North, what was it. Mr. Palmer answered that it was a house.

Chairman requested a motion to close regular meeting to open Public Hearing for Kristine & Steven Whiting, area variance. Mr. Virginia moved, seconded by Mr. Ruddock. Motion carried.

PUBLIC HEARING-ANDREW AND KRISTINE WHITING-AREA VARIANCE-6929 RIVER ROAD, MEMPHIS-TAX MAP ID #045-01-05.7-(AR80)-POOL IN AREA BETWEEN BUILDING AND RIVER

Mr. Andrew Whiting, of 6929 River Road was present. Mr. Whiting discussed plans on installing a pool between the river and his house. The property has a high bank where it meets his property, obscuring most view of the water. Chairman asked for any comments. No comments made. Motion called to close Public Hearing and return to regular session. Mr. Virginia moved, seconded by Mr. Schanzenbach. Motion carried.

ANDREW AND KRISTINE WHITING-AREA VARIANCE-6929 RIVER ROAD, MEMPHIS-TAX MAP ID #045-01-05.7-(AR80)-POOL IN AREA BETWEEN BUILDING AND RIVER

Chairman stated there is roughly 75ft. between house and drop off, 10ft. of the property is a deck, 10ft. between the deck and the pool, and the pool will be 10ft., leaving about 40ft. between pool and drop off. Mr. Schanzenbach commented on the maximum feet away from the house be noted in the resolution. Mr. Geiss clarified it was because he has two front yards, being on the river creates more of the challenge, with the river frontage. Therefore, the area variance, is needed. There is no view from neighbors. Chairman read the resolution. End of motion called. Mr. Ruddock made motion, seconded by Mr. Schanzenbach.

Roll Call Vote Called:

Mr. Virginia- yes

Mr. Roman- yes

Mr. Bowes- yes

Mr. Budosh- yes

Mr. Ruddock- yes

Mr. Schanzenbach- yes

Mr. Geiss- yes

Motion carried.

Motion requested to close regular meeting to open Public Hearing on David Harris area variance. Mr. Ruddock moved, seconded by Mr. Budosh. Motion carried.

PUBLIC HEARING-DAVID HARRIS-AREA VARIANCE-4 SANDLANCE DR-TAX MAP ID #036-11-07.0 SIDE YARD SET BACK-(PUD)

Ms. Kayla Smith of Comfort Windows was present on the applicant's behalf. Ms. Smith discussed plans on an egress window from the basement, of Mr. Harris' house. Ms. Smith presented the board with pictures of past installations, to show examples of this particular egress window. It is a 33" x 43" encasement over a "well" for access in or out of basement. Chairman asked why it cannot go off rear of the house? A deck and a fence are there, preventing them from doing so. Mr. Geiss commented on the plantings on the property, obscuring any view of the window. Chairman asked for any comments. No comments made. Motion called to close Public Hearing and return to regular session by Mr. Ruddock, seconded by Mr. Roman. Motion carried.

DAVID HARRIS-AREA VARIANCE-4 SANDLANCE DR-TAX MAP ID #036-11-07.0
SIDE YARD SET BACK-(PUD)

Mr. Geiss discussed setbacks and only 4inches above grading. Ms. Smith then talked about her contact with other Towns. Both Towns said they would not have asked for a variance, because it wouldn't be considered a structure to the house, but that it was up for interpretation by each Code Officer. Each Town is different. No questions or comments. Mr. Geiss read over the resolution as follows:

RESOLUTION NO. 20__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

David Harris of 4 Sand Lance Drive has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code relating to the construction of a 33 inch by 43 inch egress window well, attached to the existing foundation that will extend approximately 4 feet from the house around a basement window. The property is located in the PUD District and is identified as Tax Map No. 036.-11-07.0 ("Property").

Kayla Smith of Comfort Windows, appeared on behalf of Mr. Harris before the Zoning Board of Appeals and, speaking in favor of the application, described the proposed construction of the egress window well that will be attached to the current foundation in the side yard of the Property. Section 200-45 of the Zoning Code prohibits the placement of structures within the required side yard setback. The proposed egress window well will extend 4 feet from the house and provide 8 feet of total side yard setback. The placement of window wells in the side yard will result in no significant above ground exposure and will be concealed by landscaping. Kayla Smith further explained that constructing the window wells in the rear yard is not an option because of the placement of a deck. Therefore, a side yard setback variance is required.

There was no objection to the proposal at the Zoning Board of Appeal's public hearing, which was held on August 11, 2020, pursuant to public notice.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, Certified Test Reports prepared by ETC Laboratories, photographs of the proposed window wells installed at other properties, and an altered survey of the Property, prepared by Ianuzi & Romans Land Surveying, P.C., dated December 2, 2008.

Based upon the foregoing, the Board resolves as follows:

1. This matter is Type II under the State Environmental Quality Review Act as it involves the granting of an area variance related to a single-family residential use.
2. It is determined that variance relief will not produce any undesirable change in the residential character of the neighborhood and will not be a detriment to nearby properties. Variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors did not express any opposition to the variance. There is no apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant outweighs any detriment to the neighborhood or community because of granting the variance relief.
3. Area variance relief from Section 200-45 is hereby granted to allow the construction of a 33 inch by 43 inch egress window well, attached to the existing foundation that will extend approximately 4 feet from the house, on property located at 4 Sand Lance Drive, Tax Map No. 036.-11-07.0 and being placed in the side yard of the Property.

Dated: August 11, 2020

Anthony Geiss, Chairman

Zoning Board of Appeals

Town of Van Buren

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u> x </u>	_____	_____
James Virginia	<u> x </u>	_____	_____
James Ruddock	<u> x </u>	_____	_____
Roger Roman	<u> x </u>	_____	_____
James Bowes	<u> x </u>	_____	_____
James Schanzenbach	<u> x </u>	_____	_____
Anthony Geiss	<u> x </u>	_____	_____

Mr. Ruddock moved, seconded by Mr. Budosh.

Roll Call Vote Called:

Mr. Virginia- yes

Mr. Roman- yes

Mr. Bowes- yes

Mr. Budosh- yes

Mr. Ruddock- yes

Mr. Schanzenbach- yes

Mr. Geiss- yes

Motion carried.

Motion called to adjourn regular meeting and open Public Hearing on Kristin Proper special use.

Mr. Ruddock moved, seconded by Mr. Roman. Motion carried.

PUBLIC HEARING-KRISTIN PROPER-SPECIAL USE PERMIT-SOLAR-2020
CONNORS RD,-TAX MAP ID #050-01-01.4 (AR-80)

Mr. Chris Rudy & Mr. Mark Dotlow of Alternative Power Solution’s (6399 East Molloy Rd. Suite C) was present, for the Applicant. Mr. Rudy spoke on the solar array plans for the property,

it being, ground mounted, balanced lock foundation with premade concrete blocks, no digging or removal of dirt. There will be an electrical panel to connect to the house's basement for power. Mr. Rudy showed the board pictures of some vegetation and buffers the neighbors have. The panels, themselves, have a rapid shutdown system in case of any malfunction. Any solar credit will go straight to NiMo for credit to property owner's power bill. Mr. Rudy has a NiMo release. Arborvitae trees, will be planted, for a buffer. Chairman asked for any comments for or against. No comments made. Motion called to close Public Hearing and return to regular session by Mr. Virginia, seconded by Mr. Ruddock. Motion carried.

KRISTIN PROPER-SPECIAL USE PERMIT-SOLAR-2020 CONNORS RD,-TAX MAP ID #050-01-01.4 (AR-80)

Mr. Schanzenbach asked if the array was on 2 different properties. Mr. Geiss responded yes, both properties owned, by Ms. Proper. Mr. Schanzenbach asked the Applicants where the photos were taken? They were at the far west end to show what passerby's would be seeing. Mr. Geiss read the resolution as follows:

RESOLUTION NO. 20__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

Corey and Kristin Proper ("Applicants") seek a special use permit to operate a 15-kilowatt ground-mounted photovoltaic solar energy array on less than 0.2 acres of 5.23 acres of contiguous parcels of property located at 2020 Connors Road Tax Map No. 050.-01-01.4 and 050.-01-01.6 (the "Property"), pursuant to Section 200-91 of the Town of Van Buren Zoning Code. The Property is located in the AR-80 Zoning District.

In support of the request, Applicants submitted a Special Use Permit application, an Agricultural Data Statement, a Notification to Surrounding Property Owners of Pending Action, an aerial photograph of the Property, an altered survey of the Property, prepared by J.R.L. Land Surveying, PLLC., and a Short Environmental Assessment Form ("EAF"). In addition, Chris Rudy of Alternative Power Solutions of NY appeared on behalf of Applicants to explain the proposal and address the concerns of the Board. Chris

Rudy explained that there will be two (2) rows of twenty (20) arrays which will be approximately 70 feet long, 10 feet high and non-moving. Inverters are to be situated within Applicants' house on the Property that will feed the power there instead of directly into the power system. Ballast blocks will be used instead of a foundation and Arborvitae will be used as vegetative screening between the solar array and the neighboring property.

There was no objection to the proposal at the Zoning Board of Appeal's public hearing, which was held on August 11, 2020, pursuant to public notice.

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

1. This matter is subject to the State Environmental Quality Review Act ("SEQR") and is classified as an unlisted action. During the August 11, 2020, meeting the Board appointed itself lead agency for the uncoordinated review of this matter. The Board found that granting the requested relief will not result in any significant adverse impact upon the environment and therefore, renders a negative declaration for purposes of SEQR. The Board's determination is based upon the zoning of the Property and by reason of the Arborvitae proposed by Applicants to address screening issues. The Property is not located in a critical environmental area and, as proposed, the use will not pose any significant impact upon the water, air, agricultural resources, or community character and growth.

2. Relative to Section 200-80(C)5 of the Zoning Code, the Board issues the following findings and determinations:

- a. Because the proposed use is allowed by Special Use Permit, the use complies with the applicable intent and regulations of the Code;
- b. The proposed use is located on a parcel zoned AR-80 and is consistent with the long-term development objectives of such area. The proposed use is appropriate for the amenities available to the Property and will not impede development of the area as intended by the Town's Comprehensive Plan;
- c. The scale and design of the use is in compliance with Town requirements and, as a result of the placement of the array on the Property and the vegetative

screening required, shall be visually compatible with conditions of the site and surrounding properties;

- d. The design of the site does not create any significant traffic issues;
- e. The use is designed and shall be operated in a manner that minimizes off site disturbance of natural and cultural resources. Because the proposed solar arrays are ground-mounted, the use minimally disturbs prime agricultural soils and is consistent with the soil capabilities of the site to accommodate the use and water runoff has been properly controlled;
- f. The use fits within the New York State Energy Plan of encouraging and creating new opportunities for alternative fuels, which the Governor declared a priority for the State in his 2014 "Reforming the Energy Vision." The goals of the State are: (i) 40% reduction in greenhouse gas emissions from 1990 levels; (ii) 50% electricity will come from renewable energy resources; (iii) 600 trillion Btu increase in statewide energy efficiency;
- g. Emissions from the site are minimal and shall not impact surrounding properties;
- h. The physical characteristics of the Property are suitable for and conducive to the proposed solar array, without modification to the established character of the surrounding area; and
- i. The cumulative impacts of the solar array use, consisting of 0.2 acres of 5.23 acres of contiguous parcels, will not unreasonably interfere with or diminish the continued use, enjoyment or growth of the surrounding area or community.

3. A Special Use Permit is hereby granted, in accordance with Section 200-91 of the Zoning Code, with the understanding that Applicants will plant Arborvitae to be used as vegetative screening between the solar array and the neighboring property.

Dated: August 11, 2020

Anthony Geiss, Chairman

Zoning Board of Appeals

Town of Van Buren

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u> X </u>	_____	_____
James Virginia	<u> X </u>	_____	_____
James Ruddock	<u> X </u>	_____	_____
Roger Roman	<u> X </u>	_____	_____
James Bowes	<u> X </u>	_____	_____
James Schanzenbach	<u> X </u>	_____	_____
Anthony Geiss	<u> X </u>	_____	_____

SEQR being an unlisted action, and declaring Town of Van Buren lead agency. Motion to approve by Mr. Ruddock, seconded by Mr. Virginia.

A Roll Call vote called:

- Mr. Virginia- yes
- Mr. Roman- yes
- Mr. Budosh- yes
- Mr. Bowes- yes
- Mr. Ruddock- yes
- Mr. Schanzenbach- yes
- Mr. Geiss- yes
- Motion carried.

Chairman requested a motion to adjourn regular session to open Public Hearing on Treybrook Phase 1A. Mr. Ruddock moved, followed by Mr. Roman. Motion carried.

PUBLIC HEARING-SENECA NEIGHBORHOOD-(TREYBROOK)-FINAL PLAT APPROVAL PHASE 1A-7360 STATE FAIR BLVD.-TAX MAP ID#064-03-1.1 (PUD)

Mr. Brandon Jacobson was present of 5912 N. Burdick St. Mr. Jacobson discussed paving stages of Lexi Lane & Bloomfield. Plans show more lots, to build more, this being an adjustment to Phasing. (Phase 1A) The Parade of Homes is entitled to 8 builders with lots for building. This phase is to open those lots up along Bloomfield. Chairman asked for any comments. No comments made. Motion to close Public Hearing by Mr. Ruddock, seconded by Mr. Schanzenbach. Motion carried. Regular meeting back in session.

SENECA NEIGHBORHOOD-(TREYBROOK)-FINAL PLAT APPROVAL PHASE 1A-7360 STATE FAIR BLVD.-TAX MAP ID#064-03-1.1 (PUD)

Mr. Jacobson stated this was 9 lots which agrees with preliminary plot plan, there is not any deviation in layout. Conditional approval granted based on, Town Engineer and Town Attorney's satisfaction. Park fees will be \$350/lot. Chairman requested a motion to declare the Town of Van Buren lead agency, under SEQR for Phase 1A, final plot, for 9 lots. End of motion called. Mr. Virginia moved, seconded by Mr. Ruddock
Motion called to approve per map dated July 18, 2020, conditioned as above stated by Mr. Ruddock, seconded by Mr. Virginia. Motion carried.

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

Mr. Craig Billinson was present on the Applicants behalf. Chairman asked for updated plans on plantings and showing exactly where trailers will be displayed. Mr. Billinson replied trailers will be behind security wall. Chairman commented on the setbacks shown. Farrell Road is showing a 50ft setback with State Fair Blvd. showing a 46ft. setback from edge, not the 50ft. requested. Niagara Mohawk would not release use of their easement, therefore, plans will be moved back, in accordance with this. Barrier will now be meeting the 50ft. setback requirement. This means 50ft. off property line, not edge of road. Mr. Geiss mentioned the 20ft. setback in rear of property as well, shown on plans, and making property lines more defined, showing two separate parcels.

Mr. Billinson asked the Board to approve based on changes made to the setbacks on the plans to meet the Town's satisfaction. Mr. Geiss said he would be willing to approve with the 50ft. setback on front and 20ft. on the rear property, as well as off the corner of company property line. New maps must show changes. Conditional Approval based on the following requests:

- 1) No display within the setbacks
- 2) Setbacks are as follows:
 - a) 50ft. from property line along Farrell Rd. and State Fair Blvd.
 - b) 20ft. from rear of property along the Town line of Geddes
 - c) 20ft. of the corner property (tax map #059-02-01.0) both on Northwest/Northeast
 - d) The West setback will be the boundary for the Niagara Mohawk easement, since the power company will not allow use of the land within their easement.
- 3) Owner stated the concrete walls along State Fair Blvd. and the power easement, will be relocated to match the lines of the display areas defined above.
- 4) Approval does not include any provisions for signage. If signage is required, a separate application is required.
- 5) The 50ft. setback measured from the property line, not edge of road.
- 6) Revised plans showing above reference display area to be submitted two weeks from this meeting.

Chairman would like to entertain a motion to approve plantings for Terpening project. These plantings should be Miscanthus Sinensis Variegatus (ornamental grass) and there will be 10 plants. The plants are to be located within the 50ft. setback along State Fair Blvd. Mr. Geiss reinstated SEQR & Town lead agency. Motion by Mr. Ruddock, seconded by Mr. Virginia. Motion carried.

Chairman called a motion for approval based on conditions being met. Mr. Ruddock motioned first, followed by Mr. Budosh. Motion carried.

RALPH MILLS-VARIANCE-7376 STATE FAIR BLVD.-TAX MAP ID #064-03-04.0 (R-40)

Mr. Ralph Mills of 7376 State Fair Blvd. was present on his own behalf and discussed his plans for building a 3-car garage on his property. Mr. Mills showed the Board a map of the property, pointing out existing structures, and wanting to build in line with them. Structures are 6 1/2ft. off property line, which is not proper setback for Mr. Mills property. The neighbors, were all zoned to an R15, which is a lesser setback requirement. The house nearest to the property is about 150ft. from proposed building and the lot next to the house, is vacant.

Chairman called for a Public Hearing for September 8 meeting. Chairman opened SEQR and declared Town of Van Buren lead agency, as a Type II action. End of motion called moved by Mr. Ruddock, seconded by Mr. Virginia.

Discussion on DOT changes- sight distance checks will now be the applicant or developers responsibility. Also, an inquiry on Mcquire Chevy to be located on the Spensieri property (**inquiry only**). Town on notice regarding Solar Section 487-9A State code on pilots for solar properties.

Motion to adjourn made by Mr. Schanzenbach, second was Mr. Virginia. Motion carried. Adjournment @ 8:40pm.

