

The January 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
	Greg Boltus	present
	Jim Schanzenbach	present
	Tony Geiss	present

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

Chairman welcomed Mr. Greg Boltus to the Planning/Zoning board for his term of one year, replacing Mr. Jim Ruddock. Mr. Boltus spoke on his experience in manufacturing engineering, starting his own company, which he ran for 32 years up until he sold it in 2018. Mr. James Virginia also renewed his term with the Board.

MINUTES

Motion by Mr. Roman to approve the December meeting minutes as amended. Seconded by Mr. Budosh. Motion Carried.

PUBLIC HEARING- NRJ PROPERTIES-AREA VARIANCE-7670 VANBUREN RD, BALDWINSVILLE-TAX MAP ID #-030-04-11.0 (R40)

Motion by Mr. Schanzenbach to adjourn to Public Hearing for NRJ Properties, seconded by Mr. Roman. Motion carried. No representation for the Applicant was present. Chairman asked for any comments from the Public. No comments made. Motion by Mr. Schanzenbach for public hearing to remain open, seconded by Mr. Virginia. Motion carried. Regular meeting back in session.

PUBLIC HEARING- AJ SIGNS-SITE PLAN-SIGNAGE-7472 VANBUREN RD.-SUNOCO-TAX MAP ID #031.-03-02.0-(PUD)-(A-PLUS TO 7-ELEVEN)

Motion by Mr. Bowes to open Public Hearing for AJ Signs site plan and signage, seconded by Mr. Schanzenbach. Motion Carried.

Mr. Thomas Wheeler of AJ Signs, was present to speak on plans for changing the signage at the current Sunoco, from A-Plus to 7-Eleven. Mr. Wheeler stated the company would like to switch to a larger digital price changer, asking for another 79sq/ft. of signage than what is allowed by code, to be more noticeable to passing traffic on 690. Variance also asked for on Pylon sign, it

also being larger than allowed. Chairman asked if anyone was there to speak for or against proposal.

No comments made. Motion by Mr. Roman, seconded by Mr. Budosh to close public hearing. Motion carried. Regular meeting back in session.

AJ SIGNS-SITE PLAN-SIGNAGE-7472 VANBUREN RD.-SUNOCO-TAX MAP ID #031.-03-02.0-(PUD)-(A-PLUS TO 7-ELEVEN)

County comments read by Chairman. No significant adverse effect noted from County, leaving it solely to Board to decide. Replacing the old A-Plus signage with new branding of 7-Eleven, with digital price changer, adding a price cabinet, only reflecting prices of gasoline. Chairman asked for any questions or comments. Mr. Schanzenbach asked about how much is the sq./ft. addition that is being asked for. 79 sq/ft. is being asked for more than allowed by code. Mr. Wheeler explained there was really no other way to get the 7-Eleven brand noticed from the highway. Mr. Schanzenbach mentioned the access road coming in from Village Green, it being in terrible condition for cars to use. Mr. Palmer looked into who owns the road, and this is a different owner than the gas station and the golf course. Board asked Mr. Wheeler to make note of blocking that off as an access to and from gas station. Mr. Wheeler will look into possible jersey barriers to be put in place. Chairman read resolution as follows:

RESOLUTION NO. 2101__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

AJ Signs, of 842 Saratoga Road, Burnt Hill, New York (Applicant) seeks variance relief from Section 200-59(F) of the Town of Van Buren Zoning Code to increase the square footage of an existing freestanding pylon sign on property located at 7472 Van Buren Road, Tax Map No. 031.-03-2.0, owned by 7-11 Inc., of 3200 Hackberry Road, Irving, Texas, in the Town of Van Buren (Property). Applicant has applied for an area variance to replace an existing freestanding pylon sign with a new 98.5" x 97.375" (66 square foot) internally lit sign cabinet, to read "7-Eleven," and a 48" x 98.5" (32.8 square foot) price cabinet. The existing Sunoco sign at the top of the freestanding pylon sign will remain and the existing wall sign on the front of the commercial structure will be replaced with a new, smaller 48" x 48" (16 square foot) sign. The Property is located in the Planned Unit Development (PUD) Zoning District.

Section 200-59(F) of the Zoning Code requires any freestanding sign within the PUD District not exceed 32 square feet in area. Because Applicant seeks to replace the existing freestanding pylon sign with a sign cabinet measuring 66 square feet and a price cabinet measuring 32.8 square feet, increasing the square footage of the sign by 98.8 square feet for a total square footage of 254 square feet, area variance relief in the amount of approximately 222 square feet is requested.

In support of the application, Applicant submitted an Application for Variance, an Agricultural Data Statement, Notification to Surrounding Property Owners of Pending Action, Short Environmental Assessment Form, a Project Narrative, and Rebrand Project – Sunoco Acquisition, Conversion Details, Cover Sheet, Sheet SP-1 (Sign Plan), Sheet B-1 (Building Signs), Sheet B-3 (Building Sign Details), Sheet B-4 (Building Sign Details), and Sheet S-1 (Main ID Sign), prepared by LSI Graphic Solutions, dated 9/9/20. Applicant appeared before the Board on behalf of the owner at the public hearing on January 12, 2021. Applicant explained that it was proposing to replace all A-Plus branding at an existing gas station and convenience store with 7-Eleven branding and noted that the size increase was to afford visibility from Interstate 690. The concerns of the Board were addressed. During the public hearing, no one from the public appeared in support of or opposition to the application.

The Board acknowledged receipt of the Onondaga County Planning Board's ("OCPB") resolution, OCPB Case #Z-21-9, dated January 6, 2021, wherein the OCPB determined that the referral will have no significant adverse inter-community or county-wide implications.

Based upon the submission of Applicant and the testimony presented at the public hearing, the Board resolves as follows:

1. This matter is an Unlisted action under the State Environmental Quality Review Act as it involves the granting of an area variance relating to an increase in the square footage of a freestanding pylon sign. No negative environmental impact is anticipated.

2. With regard to the requested variance from Section 200-59(F), it is determined that increasing the square footage of the freestanding pylon sign will not produce any undesirable change in the commercial character of the neighborhood and will not be a detriment to nearby properties. The requested variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. There is no apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant does outweigh any detriment to the neighborhood or community because of granting the variance relief.

3. For the reasons set forth, variance relief from Section 200-59(F) is hereby granted to allow Applicant to replace an existing freestanding pylon sign with a new 98.5" x 97.375" (66 square foot) internally lit sign cabinet, to read "7-Eleven," and a 48" x 98.5" (32.8 square foot) price cabinet, resulting in area variance relief in the amount of approximately 222 square feet to permit a freestanding pylon sign measuring approximately 254 square feet, on property located at 7472 Van Buren Road, Tax Map No. 031.-03-2.0.

Dated: January 12, 2021

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

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u> x </u>	<u> </u>	<u> </u>
James Virginia	<u> x </u>	<u> </u>	<u> </u>
Gregory Boltus	<u> </u>	<u> x </u>	<u> </u>

Roger Roman	<u> x </u>	<u> </u>	<u> </u>
James Bowes	<u> x </u>	<u> </u>	<u> </u>
James Schanzenbach	<u> x </u>	<u> </u>	<u> </u>
Anthony Geiss	<u> x </u>	<u> </u>	<u> </u>

Comment by Mr. Schanzenbach on 254sq/ft. of signage, relief being 223sq/ft. Mr. Virginia asked if previous sign was already approved with a variance. Yes, so all sq/ft. wouldn't be counted for. Ms. Bell said to keep it as 254sq/ft. total signage to be accurate. Roll Call Vote called, voting as follows:

- Mr. Virginia- yes
- Mr. Roman- yes
- Mr. Budosh- yes
- Mr. Boltus- no
- Mr. Bowes- yes
- Mr. Schanzenbach- yes
- Mr. Geiss- yes

NATALIE BOWLES- SITE PLAN REVIEW-7249 STATE FAIR BLVD- PREVIOUSLY SENECA KNOLLS DINER-TAX MAP ID #059-01-01.0 (LB)

Mr. Dominick Losurdo of 2788 Lyons Rd. Camillus was present to speak on the Applicants behalf. Chairman spoke on revised parking plans. Comments from the County stated to get NYS DOT approval. Mr. Losurdo informed the Board that the County is waiting to hear back from the State. Chairman asked Mr. Losurdo for approval of extending the time frame of the 60 day closure. Mr. Losurdo agreed to extension. Mr. Losurdo asked about the building having no tenants at this time, could a smoke shop take over the current smoke shop, someone has an interest in opening up, with same type of business as before. This would be allowed. Mr. Bowes comments on showing an extra 2 inches per parking spot, why is that? If that extra was to be taken off, it would give more space off Jones Rd.

GYPSUM-MIKE FLYNN-SITE PLAN REVIEW-VAN BUREN RD.-TANDUM LLC-TAX MAP ID #058-01-36.3 & #058-01-38.2 (IND-A)

Mr. Julian Clarke of Plumley Engineering and Mr. Mike Flynn of Gypsum, were both present. Mr. Geiss mentioned the concurrence of Thruway shown on plans, eliminating connection to Thruway parking. Chairman asked if anymore had changed on the plans, Mr. Clarke answered no, just the connection to the Thruway. Mr. Geiss asked for any questions or comments on the new lay out. No comments. Chairman reaffirmed SEQR taking lead agency for parking proposal, now eliminating connection to Thruway parking-conforming to SEQR application, there will be no adverse environmental effect. Motion by Mr. Schanzenbach, seconded by Mr. Virginia.

Motion carried. Mr. Schanzenbach asked about State DOT approval. Mr. Clarke stated only County was involved, not a State matter. SWPP submitted, conditioned on approval and DOT driveway approval. Motion by Mr. Roman, approving site plan review per map dated 12/2020, seconded by Mr. Schanzenbach. Motion carried.

MCCONNELL LEASING-SITE PLAN REVIEW-6920 WINCHELL RD, WARNERS-TAX MAP ID #055-04-02.5 (IND-A)

Mr. Jim Hagen architect was present, speaking on revisions to plans on the storage unit proposal. DOT review, submitted to the board the driveway is acceptable. Fire Department access discussed. Turning radiuses for the trucks, these radiuses superimposed on the plans. Spaces widened between buildings, and shifted a building to the South, to give more turning room radius. Mr. Palmer informed the Board the fire department is happy with the modifications. Still maintaining a 50ft. setback and a fire hydrant added to Winchell Rd. to be closer to the building. Asking water authority to do so. Plantings added to the North and West side of property, as well as curbing before ditch. Chairman asked for any comments. Mr. Virginia asked if there will be signage, nothing proposed at this time. Mr Schanzenbach asked about curbing was to the South? Correct, at edge of driveway. SWPPP has been submitted, Mr. Virginia asked if this reflects the bump out of asphalt, to update this with the engineer. Mr. Julian Clarke answered the drainage being an oversized basin to begin with, therefore no effect or little to the SWPPP. SEQR reaffirmed town of Van Buren as lead agency, with no adverse environmental effect, on plans for Storage Units along Winchell Rd. Motion by Mr. Virginia, seconded by Mr. Schanzenbach. Motion carried. Motion by Mr. Budosh to approve per maps dated latest revision 12/29/2020, seconded by Mr. Virginia. Conditioned to SWPPP and OCWA approval for water line to hydrant. Motion carried.

HOSPITALITY SYRACUSE INC.-SITE PLAN REVIEW/SPECIAL USE 2220 DOWNER ST-PREVIOUSLY 84 LUMBER-BALDWINSVILLE-TAX MAP ID #33.1-04-02.2 (GB)

Mr. Tim Freitag, of Bohler Engineering was present to speak on the revisions made to the plans for the Taco Bell on Downer St. DOT is doing additional review on the submitted traffic study. Chairman commented to the additional apartment plans coming up in future building to the surrounding area, may effect traffic patterns. Mr. Freitag said there has been ongoing communication with County DOT. Nothing has made changes to their submitted traffic study, however. Still waiting on a two-way access off Downer St. back for County DOT. County has also reached out to the State DOT for any comment. Redoing shoulder reconstruction is required from County.

Chairman spoke on the extended timeframe. Mr. Freitag inquired about why County DOT would hold up decision from the Town Board. Mr. Geiss answered that County DOT could make requirements that change the whole lay out of plans. Mr. Freitag expresses concern over timeframe on purchase of property, Mr. Geiss stated they must hear back from County DOT before decision. Chairman asked for any suggestions from the Board. Mr. Freitag agreed on having to meet DOT regulations, and an agreement in writing made for the sidewalk reconstruction, a DOT regulation to their requirements. Mr. Bowes suggested expanding their

plans to show surrounding properties. Mr. Freitag stated that the properties shown on traffic study.

Mr Schanzenbach asked if DOT says Ingress only, will it stop this project? Mr. Freitag stated yes, possibly. Site plan most likely would not be changed, the drive thru being in the only place it could be. Mike McCracken, property owner, asked for a conditional approval based on DOT ingress/egress proposal. Mr. Virginia asked about project most likely ceasing if both ingress/egress was not met. Mr. McCracken stated previous owner has put a crunch time on the sale. He is asking for a conditional, to feel more confident on the purchase, before dropping a large sum of money. Previous owners had an Ingress only agreement off Downer St., this would not work as well for this project. Mr. Virginia commented on the fact of given the lay out is based on this approval from DOT, what would be the disadvantage of a conditional approval? Mr. Geiss said this being a major project, he would not be comfortable with an approval based on conditions. Vote would be contingent on the project getting DOT approval on the ingress/egress and without this, they would have to come back for any further approval. Mr. Virginia said he was comfortable with the lay out, contingent on a DOT approval/feedback.

Mr. Bowes made comment to only 1/5th of the property is being developed, should be planning on the rest of the property as well- a build out to give an idea to maximum capacity, in case of future development. Mr. Boltus asked why the previous storage sheds aren't coming down? These maybe utilized in the future, for storage Mr. McCracken answered. Mr. Freitag stated the plans submitted, are strictly for a Taco Bell. Mr. Budosh agreed with Mr. Virginia on a conditional approval with County/State DOT approval & no changes to the site plan. An ingress only requirement would require applicant to come back to Town Board for changes anyway. Mr. Bowes commented on traffic change in Sun Meadows, might derive some complaints. Mr. Budosh commented on any future development impacting the neighborhood, and that DOT did address this in County review.

Ms. Nadine Bell stated Town does not provide preliminary approvals, but that DOT involvement would be able to give approval through email or verbal written word, not having to wait for a full highway work permit or any more than that the DOT is ok with the plans. Mr. Schanzenbach asked if there was a timeframe given from DOT, no there is not. Talk about a special meeting before end of January, if DOT comes back with comment. County DOT is final decision, this not being a State matter. Majority of Board felt in favor, Ms. Bell suggests a straw poll vote to verbally feel more confident on the purchase of the property. All members of the Board like the site plan in the straw vote.

**HOSPITALITY SYRACUSE INC.-AREA VARIANCE-SIGNAGE-
2220 DOWNER ST-PREVIOUSLY 84 LUMBER-BALDWINSVILLE-TAX MAP ID
#33.1-04-02.2 (GB)**

Chairman stated a public hearing must be set for this, directional sign and three signs on building. Motion by Mr. Roman to call Public Hearing for February 9th meeting, seconded by Mr. Virginia. Motion carried. Chairman declared Town of Van Buren as lead agency in this uncoordinated/unlisted action under SEQR for an area variance for signage. Motion by Mr. Schanzenbach, seconded by Mr. Roman. Motion carried.

**JEFF VANBUREN-SPECIAL USE-2667 ELLSWORTH RD-BALDWINSVILLE-TAX
MAP ID #030.-01-20**

Mr. Jeff Van Buren of 2667 Ellsworth Rd. was present on his own behalf. Mr. Van Buren spoke on his remodeling business, as he would like to be able to park his work trailer on his property. Mr. Van Buren said that he had a conversation with the previous Codes Officer, Dave Pringle, in which Mr. Pringle told him he could not have any signage or customers on site. He received citation, for his dumpster, which he then removed. Now he keeps a trailer on site, which has his logo on the side, this making it not permitted by code. Trailer is to be parked in detached garage, not in view. Mr. Geiss read the definition, out of code, for an at-home business. Conducting business in a residential area, is what the applicant is being cited for. Mr. Van Buren doesn't meet the requirements for an at-home business.

Ms. Bell spoke on a previous at-home business having employees' park at the owner's home, driving many complaints from the neighbors. Mr. Van Buren said no one comes to the house, and there is no extra traffic due to him and his business. Deliveries made to the job site, no deliveries to Mr. Van Buren's home. Mr. Schanzenbach suggested parking the trailer in the garage, with no signage or equipment kept on property. Ms. Bell stated there cannot be approval given for this operation, for it is not within code to meet a use variance. Mr. Van Buren must not have any advertisement, inclination, or storage of any materials, as well as trailer kept in his garage.

**DOREEN MARSH-AREA VARIANCE CORNER LOT FENCE-100 SANDIRON CT.-
BALDWINSVILLE-TAX MAP ID #031.5-01-13.0**

Ms. Doreen Marsh, Applicant, was present to speak on her request for an area variance to allow installation of a 6' fence on property, which sits on a corner lot. Ms. Marsh explained her property backs up to Village Green Apartments parking lot, causing many people in and out of her backyard. She would like to put up a higher fence for privacy and did not realize a corner lot property, having two front yards, would be at a 3 1/2ft. height maximum. Ms. Marsh discussed her 20ft. tall tree line and a 3ft. high fence behind, would like higher to block lights coming in from people living at apartments. The fence cannot go to the house, due to a shed placed there to accommodate for drainage off the neighbor's property.

Mr. Geiss asked for dimensions, being 26ft. off the house, cannot tell how far off the road that was. Requirement is 30-35ft. off the road. Properties surrounding do have higher fences, however Chairman cannot speak to how the code read when these fences, were put up. Mr. Geiss informed Ms. Marsh of the requirements to meet an area variance. Mr. Schanzenbach made suggestion to hiring a surveyor and updating the lines and dimensions. Ms. Marsh asked about a 3 1/2ft. fence allowed in front, if she decided to go that route. There used to be trees on property line, but due to the neighbor's drainage, few survived. Mr. Virginia asked if the 6' was more for security purposes? Ms. Marsh stated it was more for privacy. She will decide if pursuing the variance is her best route.

**DG NY LLC-SPECIAL USE-SOLAR- 6734 NY STATE ROUTE 31-MEMPHIS-TAX
MAP ID #047.-02-06.1**

Ms. Janet Ward of 20 Center St. Brewster, NY was present on the Applicants behalf. Mr. Geiss asked on the previous solar projects the company had in the Town, there has been no progress. Ms. Ward said she is not the developer of those projects, but she will inquire with Mr. Brian Harper on the status of them. Ms. Ward spoke on a solar project in Memphis, off State Route 31. Zoned Agricultural, there will be very little grading, slight slope but minimal, and the plans and site are within Town setbacks. New access route to be added off Route 31, with a hammerhead turn around. Meets DEC/Army Corps requirements. This will be a single access tracker project, two panels on table 8ft. in height while flat, panels rotate East to West, maximum height at edge of panel is approximately 15ft. Property owners do live on site. There will be additional landscaping added to the thinner vegetated areas, proposed Cedars, two rows staggered spaced at 15ft. off center along Rt. 31. Mr. Virginia asked about property to the East, stating homeowners, on that side of property are left unscreened. Ms. Ward answered that property will be maintained by the property owners for farming, and is not included in the solar lease, but will look into the suggestion.

Talk on Architectural study, this project not needing an Archeological. DEC deferred Ms. Ward to contact the Army Corps. for any wetlands involved. The setbacks for these wetlands shall be substantial enough and in compliance with DEC. Mr. Schanzenbach asked on driveway position, Ms. Ward answered it is where tractors pull in now, and land is fairly flat here, rather than further up is a right of way with more terrain, less flat. Paving must be 50ft. in and to check with fire department for the ok on grading. Mr. Geiss asked about on-site noise study. There will be no battery storage, utilities used only daylight hours. The Board mentioned there are no elevations documented on map, or are very small and hard to see, want to see this more defined. Mr. Schanzenbach wants to see more details on plantings and the decommissioning plans call for leaving conduits in the ground? Correct in plan that these to be removed.

Chairman reminded Ms. Ward the Town will not entertain a pilot for that taxes, to which she replied that was understood. Ms. Ward asks about noise study, if previous on-site could be used, pertaining to this site. Yes, it can be used. Mr. Bowes asked about the benefit to the Town in doing these solar projects. Ms. Ward said they hire local consultants, taxes increase due to it coming out of an agricultural use, during construction, using local businesses and any Community solar facility customers can sign up to get the bill credits. No cost to sign up and a discounted utility bill for them. Motion by Mr. Schanzenbach to call Public Hearing for February 9th meeting, seconded by Mr. Virginia. Motion carried. Chairman declared Town of Van Buren lead agency of this unlisted, uncoordinated review, under SEQR for the Memphis solar farm special use permit. .Motion by Mr. Roman, seconded by Mr. Budosh. Motion carried.

Discussion on Terpening expanding parking from Town of Geddes. Vito will be coming back for a site plan review (old Solvay Iron). Updated Code books are being worked on for the Board members.

Motion to adjourn by Mr. Virginia, seconded by Mr. Schanzenbach. Motion carried.
Adjournment @ 9:35p.m.

