

The February 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 6:00 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: Rich Andino, Attorney
Casey Palmer, Codes Enforcement Officer
January Baker, Zoning Planning Board Secretary

MINUTES

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

Motion by Mr. Schanzenbach to recess to Public Hearing for NRJ Properties rear and front yard setbacks, seconded by Mr. Roman. Motion carried.

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

Mr. Tim Croyer was present from Ianuzzi and Roman Land Surveying PC. Mr. Croyer talked about the existing non-conforming lot being a smaller lot, and is unable to meet the setback requirements for a 15,000sq/ft. lot. Applicant is asking for a 30ft. setback in the front, and a 27.5 setback for rear. Adjacent houses are in line with what the applicant is asking for. Property backs up to the school, and the house will be in uniform to the surrounding properties, as shown on map. Chairman asked for any comments for or against. No comments made. Motion by Mr. Virginia to close Public Hearing, seconded by Mr. Roman. Motion carried. Regular meeting back in session.

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

Chairman discussed the setback requirements for this property is at 50ft. for both front and rear. Mr. Schanzenbach asked if three variances are needed? A third variance being for lot area? Mr. Geiss stated this was an existing non-conforming lot, so only two variances needed. Chairman read resolution as follows:

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

NRJ Properties, LLC of 8303 Baldpate Lane, Liverpool, New York has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code for property situated at 7670 Van Buren Road, Tax Map No. 030-.04-11.0 ("Property"), relating to the location of a proposed single-family dwelling. The Property is located in the R40 District.

Mr. Jerome spoke in favor of the application and described the need to reduce the front yard setback to a minimum of 30 feet and to reduce the rear yard setback to a minimum of 27.5 feet to properly place a single-family dwelling on the Property. Section 200-45 requires both the front yard and rear yard setbacks for residential structures to be 50 feet. Applicant indicated that placement of the proposed single-family dwelling was limited by a sanitary sewer easement along the eastern side of the Property. Citing to the shallow depth of the Property and the existing sanitary sewer easement, Applicant alleged that placement of the proposed single-family dwelling on the Property presented a hardship. Applicant indicated that the relief sought is consistent with the character of the neighborhood, noting that this Board previously reduced the rear yard setbacks for neighboring parcels to 25 feet. There was no objection to the proposal at the public hearing, which was held on February 9, 2021, 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, tax map, Real Property Image Mate Online Report, survey prepared by Ianuzi & Romans Land Surveying, P.C., dated October 7, 2020, and foundation plans of the proposed single-family dwelling.

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 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 does outweigh any detriment to the neighborhood or community because of granting the variance relief.

4. An area variance is hereby granted to allow applicant to reduce the front yard setback to a minimum of 30 feet and to reduce the rear yard setback to a minimum of 27.5 feet on property located at 7670 Van Buren Road, Tax Map No. 030-.04-11.0.

Dated: February 9, 2021

Anthony Geiss, Jr. 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>	_____	_____
Gregory Boltus	<u> x </u>	_____	_____
Roger Roman	<u> x </u>	_____	_____
James Bowes	<u> x </u>	_____	_____

James Schanzenbach x _____ _____

Anthony Geiss x _____ _____

Mr. Schanzenbach motions to pass resolution, seconded by Mr. Virginia. Motion passed. No comments. Roll call vote called votes as follows:

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

Motion carried.

Motion by Mr. Schanzenbach to open Public Hearing for DG NY LLC Memphis Solar project, seconded by Mr. Roman. Motion carried.

PUBLIC HEARING- DG NY LLC-SITE PLAN-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 to speak on Applicants behalf. Ms. Ward discussed plans on a solar facility on Rt. 31 in Memphis NY on 103 acres- placing a 7.5MW DC and a 5MW AC ground mounted solar array, taking up approximately 31.5 acres. Ms. Ward shows existing conditions of land, noting any DEC wetlands and Army Corps. wetlands. Current use is agricultural, a hay farm. New map shows elevations more clear, and plantings. Ms. Ward mentioned a 25ft. access road off Rt. 31, with at least 50ft. of paving. Panels are roughly 8ft. tall, with a maximum of 15ft. at edge of panel. All will be meeting setback requirements, surrounded by a 7ft. tall chain-link fence. All existing trees will remain. Equipment pads laid in center of array- 134ft. away from Rt. 31. Will be a gravel road. Temporary construction lay down with gravel will be added, and then removed once construction is finished.

Ms. Ward discussed plans on the plantings. They will be most likely Junipers planted 15ft. off center, two rows staggered to the West, North and down to the East. Trees also added along the Thruway, where screening is thinner. Noise study is still in progress. Application submitted to NYS DOT, which is still in review, and they still need to submit to NYS Thruway. Army Corps is satisfied with wetland mitigation. This is a temporary use of land, with a decommissioning plan in place, with everything removed after project is complete. Mr. Geiss stated this is a 30-year project, which Ms. Ward agreed, 25-year project with a possible extension of 5 years. Chairman asked if there was anyone present to speak either for or against the project.

Mr. Michael Knowlton of 6694 Bennetts Corners Rd. spoke on concerns of the Fire Department, is there more detail on this? Ms. Ward answered she coordinates with the Fire Dept. in training before the facility becomes operational. There is a review on disconnection and emergency response. Mr. Knowlton asked if there was a road around facility, no there is not. Is there motors? Yes there is. How many panels will there be? Ms. Ward was unsure, needs to check on that and get back to Board, but that there is usually around 18,000. Mr. Knowlton asked about the noise this will make, to which Ms. Ward responded, with very minimal. Mr. Knowlton commented he is across the street and was concerned about this affecting any wild life. No this will not affect any animals in the area.

Ms. Vera Lopez of 6702 Route 31, was present to speak. Panels are showing 200ft. from property line. She would like to know how far away from her house this is. Ms. Ward answered at the narrowest point is 134ft. away from property line, so in her case, she is well over 200ft. away from any panels. Ms. Lopez mentioned Junipers planted along where her property sits, there is not enough tree plantings to block the view, and on sunny days, she is concerned about how much glare there will be. Ms. Lopez asked how the panels will be monitored? Ms. Ward stated this array will be monitored electronically 24/7, and when there are changes, monitoring staff sees this. If cannot be fixed remotely, they would send someone out to fix the problem. Ms. Lopez asked if neighbors would be notified if there were panels out of service? No they would not be, but all panels inspected, annually. Will there be leakage? No leakage with these panels. Ms. Lopez asked how is solar energy clean? Ms. Ward explained this uses an existing power line, which generates power to NYSAC and their customers can sign up for bill credits. Ms. Lopez wanted to know what kind of meters will be used as well as how much radiation will be given off by panels. Mr. Geiss responded the meters, are dictated by utility company, and will be electric meters. As far as radiation, Ms. Ward was unsure. Ms. Lopez asked if there will be a vote? Mr. Geiss answered the Planning/Zoning Board votes.

Mr. David Clifton of 6761 State Route 31, was present to speak. Mr. Clifton asked if panels will run North-South and what kind of glare will this create? Ms. Ward stated there is no glare and that panels track the sun, stowing at 60 degrees to the East and then rotate back to West. The highest top edge stands about 15ft. and there is a glare resistant coating on the panels as well. Mr. Clifton asked what kind of panels will be used? Ms. Ward stated they are poly-crystal Tier 1 panels, she will get more specific type. Mr. Clifton is concerned about the dust during construction, will the gravel be watered down and precautions taken? Will they use local labor? This has yet to be determined. Chairman offered that it was within code for the code officer to monitor dust and mud on roadways. Feel free to contact the codes office. Construction time is looking at around a 4-6 month span.

Fiona Richardson of 1776 Warners Rd. spoke on the solar farm backing up to her property. She is not happy about staring at the array from her backyard, and asked about noise and how many panels? With roughly 18,000 panels moving, will the surrounding properties hear the motors every time they move? Ms. Ward stated there is minimal noise emitted from centralized motors. It rotates back in four minutes, with no battery storage. Panels collect energy from the sun, through existing wires. Ms. Richardson asked would this interfere with the WiFi? No, it will not. How are aesthetics, will she be looking at a field of glass panels and will wildlife be affected?

No animals affected. Noise brought up, during construction. Ms. Ward said there will be truck deliveries, with equipment fairly compressed. There will be some noise from racking posts and the panels mounted with wrenches. Some will create more noise than others.

Mr. Mark Lopez of 6702 New Route 31 was present to speak, and is against the proposal Mr. Lopez asked if solar power is so clean, why toxic waste? Why do these companies go bankrupt and if they do, are we as a Town, left to clean this up? What will happen 30 years down the road? Mr. Lopez listed many fluids that can be, found in solar panels, lots being toxic, he stated. These will need to be recycled. Mr. Lopez mentioned if a storm were to come and damage panels, what will happen? Chairman answered the company is bonded and insured, for such things. They are required to post a bond, to the Town, in case of abandonment of site.

Ms. Judy Dixon of 1760 Warners Rd., spoke on the energy credits given to NYSAC customers, does the credits apply to all NYSAC customers or just the community? Ms. Ward stated this was a Community based solar project, which results in a fixed reduction to energy bills. Ms. Dixon encouraged the use of minority/women owned companies. She asked if this affected the value of surrounding properties. Ms. Ward will provide a fact sheet on studies done- that it does not affect the value of surrounding homes. Mr. David Clifton spoke up, asking if these are just preliminary plans? Yes, they are, but Storm water stays as is. Mr. Clifton asked how property owners will know of construction plans? They can contact the codes office, and submit a FOIL request, once building plans, are submitted. He also asked if he can sign up for credits now with NYSAC, before farm? Yes, he can. Mr. Clifton stated then it is not based on how close you are to this project.

Ms. Vera Lopez spoke again, on her property being so close, how will this affect property taxes? Chairman answered to contact Town Assessor for more clarification. Ms. Lopez stated she should be, compensated for being so close to the array. No more comments. Mr. Geiss stated the Public Hearing will remain open for written comment, to the codes office.

Motion by Mr. Schanzenbach to adjourn to regular meeting, seconded by Mr. Roman. Motion carried.

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

Ms. Janet Ward spoke, while the Chairman stated they had many questions and concerns. The exact distance off Warners Rd. and Western properties, how far away from the array are these houses. Must have trees along where it is thinning. The setback from Thruway looks to be from pavement, not property line, Mr. Bowes commented. This must be clearer on map. Mr. Virginia asked why Junipers would not be, planted all the way along the South, bring the screening all the way down. The bare trees leave exposure to the neighbors. Mr. Virginia suggests this should have a continuous loop of screening to the Thruway. Chairman said we are waiting on County comments and the noise study. Thruway study is in progress, as well as Agricultural. Mr. Geiss mentioned there was a solar farm on River Rd., if anyone is interested in hearing what kind of noise one makes, to compare.

Motion by Mr. Virginia to open Public Hearing for Hospitality Syracuse area variance for signage, seconded by Mr. Roman. Motion carried.

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

Mr. Mike McCracken and Mr. Robert Osterhoudt with Bohler Engineering were both present on the Applicants behalf, to speak. Mr. Osterhoudt spoke on the access road, having gotten comments back from County DOT. Plans discussed on the area variance for signage. The variances needed for the square footage requested, as well as the number of wall signs allowed. The initial proposal showed four wall signs, which has since, been dropped to three. Allowed two by code. Freestanding sign requested at 50sq/ft. and 30ft. in height. Code for this is 32sq/ft. and maximum height is 25ft. Directional signage code is at 3ft. maximum, asking for 4ft. for total allowable sign area. Building frontage (30ft. along Downer St.) should have included sides. Taking additional length, into account, variance may not be needed?

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

Chairman asked for any comments. No comments made. Motion by Mr. Schanzenbach to adjourn hearing to regular meeting, seconded by Mr. Roman. Motion carried. Public Hearing kept open until next meeting. Chairman stated they have comments back from County DOT, only waiting on comments from County back on Special Use Permit. No final decision to be made, before comments.

Mr. Virginia made comment on only one wall sign allowed, but Taco Bell is on a corner lot. They show two building frontages- one off Downer St. and one off Sun Meadows. Sun Meadows is too far from building to be, considered frontage. Mr. Schanzenbach commented, this being a corner lot frontage would point toward 690. A variance needed for the amount of sq/ft. in all (75sq/ft.), the number of signs being asked for, as well as the directional sign at 4ft. instead of 3ft. Mr. Schanzenbach asked if the 4ft. included the logo, yes it does. The freestanding sign, lit internally. Mr. Virginia asked the reasoning behind the freestanding sign going to a 32sq.ft., when surrounding signs are 25-27ft. Mr. McCracken answered taking the highway into account, for more noticeability from off ramp. Asking for taller and slightly bigger, due to closeness to 690. No more comments made. Chairman asked the status on the contract with sellers. Contract expires on the 11th. Chairman said everything looked positive, ready to complete next meeting when comments come in. Mr. Schanzenbach asked if this was County DOT only, yes they are in control of the frontage of building. There is plenty of room in drive thru positioning to cut down on congestion and move about safer.

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

Mr. Dom Losurdo was present from 2788 Lyons Rd., Camillus. Chairman referred to DOT comments on eliminating the three spots off Jones Rd. Any comments on revised parking plans?

Mr. Bowes commented on them keeping the 10.2ft. parking spaces, instead of only 10ft. Mr. Losurdo stated they kept it as is, as to not eliminate a handicapped spot. Now showing four handicapped parking spaces. Mr. Bowes asked if the sidewalk is flush on the North end? Mr. Losurdo answered yes, correct. Mr. Schanzenbach stated there should be "No Parking" signs at the three eliminated spots, to prevent use. Motion by Mr. Schanzenbach in regards to SEQR, seconded by Mr. Budosh. Site Plan and parking review shows no adverse environmental impact with this proposal. Motion by Mr. Schanzenbach to approve site plan for building per QPK Design dated December 22, 2020, updated by County DOT on January 15, 2021. Motion carried.

SENECA NEIGHBORHOOD-(TREYBROOK)-FINAL PLAT APPROVAL PHASE 2A-7360 STATE FAIR BLVD.-TAX MAP ID#064-03-1.1 (PUD)

Mr. Brandon Jacobson of Brolex was present to speak on plans for Phase 2A of final plat, Seneca Neighborhood, Treybrook. Chairman asked if any changes have been made to the plans? Mr. Jacobson stated the only change was that a buyer is purchasing two lots for one house. Mr. Geiss complimented the building in progress. Per preliminary map, Public Hearing to be called. Chairman opens SEQR, declaring Town of Van Buren lead agency in this uncoordinated review of an unlisted action. Motion by Mr. Roman, seconded by Mr. Schanzenbach. Motion carried. Motion by Mr. Schanzenbach to call a Public Hearing for March 9th, seconded by Mr. Virginia. Motion carried.

LEONID GERASIMOICH- SPECIAL USE-SITE PLAN- FOR HAIR SALON AT SOLVAY IRON BUILDING-3546 WALTERS RD., SYRACUSE-TAX MAP ID #055.1-01-06.2- IND-A ZONING

Vito Gerasomich of 4923 Bull Rush Rd., Syracuse was present on his own behalf. Mr. Gerasomich spoke on plans for a hair salon, and small office at the old Solvay Iron building on Walters Rd. Chairman stated parcels must be combined, and to cut part of property off would require a subdivision. A merge can be done through the County, if deeds match, a subdivision would require more plans submitted to zoning/planning Board. A revised site plan needed, showing property combined, as well as showing the business in the rear, what is it? Mr. Gerasomich answered it is a trailer wash out station. Mr. Geiss asked if there is draining from washing, what kind of trailers? They are food trailers, no chemicals used. Board needs to know, what is washed, and what is collected?

This has raised another topic, there was an environmental issue back in 2000. It has not been confirmed, if the DEC, is happy with the cleanup. Contact them for a release. The service trucks, is there floor drains, Mr. Boltus asked. An oil/water separator needed, to service vehicles. Further details needed on site plan, which areas affected and more details. Verification if oil/separator is needed. Updated plans needed on properties merged, updated SEQR from 12/2019, and a long Environmental Assessment Form (EAF) completed. There are now four uses on site-more information needed to call Public Hearing. Show all businesses in building, more parking probably needed. Mr. Gerasomich said only two trucks will be stored there from his trucking business, housed mostly in East Syracuse. Chairman said if only one or two, show on plans. This will then be limited to two, cannot be an outdoor junk yard, be clear on plans.

**JOHN ROMEO-EXPRESS AUTO CARE-SITE PLAN-SPECIAL USE PERMIT-2290
DOWNER ST.-BALDWINSVILLE-TAX MAP ID #33.1-05-10.2 (LB)**

Mr. John Romeo and Neil Zinsmeyer, 110 Fayette St., Manlius were both present to speak on plans to add a 3-bay low maintenance auto repair shop with attached restaurant. Mr. Zinsmeyer spoke on plans showing they meet setback requirements per code with buffers on the West side and East, for surrounding properties. Also included parking and lighting into the plans. Mr. Geiss asked one map shows a property line with front property in back with line. On another plan, it shows no line. Is it two parcels? A small portion is landlocked, must have a right of way added then. Mr. John Romeo spoke on property. It is a 26-acre parcel with the smaller lot still attached to the larger one, having access to it, along Meigs Rd. The small portion is landlocked, and there is one owner for both. Chairman said this must be joined with larger lot, or create a right of way. Cannot have a landlocked piece of property, this must be resolved. If kept separate, owner must provide a right of way through larger portion of property. Mr. Romeo stated he will work out avenues for this. Mr. Schanzenbach asked if there is a variance needed for signage. Yes, there will be. Asking for a zero lot-line setback and the amount of signage allowed. Plans show three signs. Mr. Schanzenbach asked if the County has been contacted on plans? They have not been yet, only for sewer. Plans showing an oil/water separator. Chairman references there is only handicapped parking shown in the front, none shown in back. Should be shown in rear of business as well. No sidewalks shown on plans, these too, must be added.

Mr. Schanzenbach asked about Storm Water? Not needed because they drain to the back of property, not onto Downer St. Mr. Geiss said drainage needs to be addressed and a SWPPP is needed. Moving forward provide plans on drainage. Total area of property is 1 acre, not including landlocked portion. There are 20ft. setbacks shown, but dumpsters shown within setback. This must be fixed, or ask for another variance. Discussion on signage, and the sidewalks, sign will have to be pulled back from the zero setback asked for. Mr. Jim Hickey spoke on LED lights on sign. They want to use LED to draw more attention to customers. Mr. Geiss informed him these types of signs have been limited to how many times they can change. Other limitation is the timing on how often one can change. Mr. Hickey mentioned the Department of Transportation standards has deemed them not a distraction to drivers. Mr. Palmer told Applicant to refer to codes in section 200-54 on the signage allowed. Compare around to surrounding businesses, all have the same restrictions. Mr. Schanzenbach referenced the code for the freestanding sign. Asking for 56sq/ft. and code is 32, will need a variance for this, and to review with the codes office the requirements.

Chairman said we will need a Public Hearing called for the Special Use for the maintenance and restaurant as well as Site Plan. Another Public Hearing called for the signage. Mr. Zinsmeyer asked if it can be approved contingent on land being combined. Chairman stated he stops at contingencies being made, this creates a timeframe, and if this runs out it is an automatic denial of project. The parcel combining, show on new plans with purchase contract.

Motion by Mr. Budosh to call public hearing on March 9th for special use permit and site plan, seconded by Mr. Virginia. Motion carried. Motion by Mr. Schanzenbach to call public hearing also for March 9th, for signage variance, seconded by Mr. Roman. Motion carried. Motion by Mr.

Virginia to open SEQR, seconded by Mr. Schanzenbach, declaring Town of Van Buren lead agency in this unlisted action, under SEQR. Motion carried.

Other Information:

Discussion followed on Crego property. SEQR material received, and Town is to hold two public information meetings, to get more two-way communication on the project. No schedule on that yet. Updated SEQR just submitted and will appear in front of Town Board for a referral to Planning and Zoning. The Fox Creek project is coming up for renewal. Between Covid and construction costs, it is behind schedule.

Motion by Mr. Budosh to adjourn, seconded by Mr. Schanzenbach. Motion carried.
Adjournment at 9:30pm.

