

The March 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	excused
	Jamie Bowes	present
	Roger Roman	present
	Greg Boltus	present
	Jim Schanzenbach	present
	Tony Geiss	present

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

MINUTES

Motion by Mr. Roman to approve the February meeting minutes as amended. Seconded by Mr. Schanzenbach. Motion Carried.

Motion by Mr. Virginia to recess to Public Hearing for Seneca Neighborhood Phase 2A final plat, seconded by Mr. Bowes. Motion carried.

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

Mr. Brandon Jacobson, Brolex Properties, was present to speak on Treybrook’s Phase 2A final plat plans. Mr. Jacobson spoke on the existing Bloomfield St. being extended, becoming Dewport Rd. for the final 22 lots of Phase 2. Mr. Jacobson assured the board the new plans totally comply with preliminary plans. Chairman asks if there is anyone to speak either for or against project. No comments made.

Motion made by Mr. Roman to close Public Hearing, seconded by Mr. Bowes. Regular meeting back in session.

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

Mr. Brandon Jacobson was still present to speak. Mr. Geiss read comments from County. Motion made by Mr. Virginia reaffirming SEQR, seconded by Mr. Roman, declaring Town of Van Buren lead agency, under this uncoordinated unlisted review for Seneca Neighborhood Phase 2A, same as presented on preliminary plans, coordinated with SWPPP & sewers. Motion carried.

Mr. Virginia asked about the 2 lots, with one buyer, being combined? Not shown on plans. Mr. Jacobson explained not shown on plans yet, until sale is final. Mr. Schanzenbach asked about the different style patio homes planned to build to the North. Mr. Jacobson answered later in plans, they will work on putting them in, but there is more demand for Single Family homes today. No other comments. Motion by Mr. Schanzenbach to approve plans dated December 1, 2020, revised date of January 24, 2021, seconded by Mr. Roman. Plans are to be signed and stamped. Mr. Hoy asked to be contingent on posting a Bond to satisfy Town Engineer and Attorney. Park fees listed at \$350/lot due for the whole Phase 2A. Motion carried.

**CREGO FARM-ZONE CHANGE-REFERRAL FROM TOWN BOARD-
CREGO ROAD-BALDWINSVILLE-TAX MAP ID #034.-03-01.1/01.3 (R40)**

Mr. Brandon Jacobson, Brolex Properties, was present to speak on plans for a zone change at Crego Farm. Chairman stated this was just a general presentation tonight on plans. There are public information meetings to be held on March 23rd and 25th, not a public hearing, but for informational purposes. Mr. Jacobson spoke on plans to make the 100-acre parcel into a housing development of 120 lot single-family homes with a multi-family component also. There is a surge of employment coming, Mr. Jacobson states, and this in turn, will increase demand on housing. Lots are bigger than the previous property, Treybrook. Storm facilities created to act as buffers to separate properties a bit more.

Chairman stated there will be a sub-committee formed for a project of this caliber, as well as different agencies involved. Chairman discussed Town fees listed with Legal & Engineering, lot fees and engineer. Current deposits needed are as follows: \$8,000 for zoning, \$10,000 for engineering, and \$25,000 for Legal. Totaling \$48,000. Motion by Mr. Roman, to pass fees, seconded by Mr. Bowes. Motion carried. Mr. Virginia asked if project did not move forward, will fees be returned? Yes, whatever is not used returned to applicant.

Motion by Mr. Roman to open Public Hearing for Hospitality Syracuse, Taco Bell area variance for signage, seconded by Mr. Virginia. 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. Tim Freitag, of Bohler Engineering was present to speak on plans for signage with needed variances. Free standing sign on Downer, with 3 wall signs for front, East and West of building. Freestanding sign is around 15ft. back from property line and asking for a 50sq/ft. sign @ 30ft. high, code being at 32sq/ft. and 25ft. high. Asking for a directional sign at 4sq/ft. as well, code is 3sq/ft. Directional sign must be off Sun Meadows Dr., with the ingress/egress being there. Chairman asked if there is anyone to speak for or against the project. No comments.

Motion by Mr. Schanzenbach to close Public Hearing, seconded by Mr. Roman. Motion carried.

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

Mr. Tim Freitag spoke on the signage plans. Mr. Virginia asked about Sun Meadows, based on the Applicants interpretation, they are considering this building frontage? Mr. Freitag answered yes, they are looking at this as considered frontage. Mr. Virginia said Sun Meadows fronts Fast Trac, not Taco Bell. How will area variance read? Will it be for two signs under one variance or will it be two separate for two signs? Ms. Nadine spoke to this point, stating if the code officer agrees with the interpretation that Sun Meadows is frontage to Taco Bell, if not in agreement, then two signs granted with variances. Mr. Palmer agreed with Mr. Virginia's position, in that Sun Meadows not be, considered frontage for the new proposed building, being too far from the road. Variance relief for two signs will be, needed. Application to be amended from one sign to two signs, one facing East, the other West.

Variance needed for freestanding sign for 32sq/ft. to 50sq/ft., as well as, 25ft. high to 30ft. Chairman asked for any questions or comments. Mr. Bowes asked if all signs are internally lit? Yes, and are on timers to shut off an hour after closing. Mr. Geiss discussed the three sheds left by previous lumberyard. What will be the future use for these, or the purpose for keeping them? The certificate of occupancy for final approval will not be, issued, without these sheds to come down, or a usage plan for them submitted to the Town. Ms. Bell explained to the Applicant that code enforcement expressed concern with open structures, may cause a hazard to customers of Taco Bell. It is a public safety concern. Mr. Mike McCracken, of Hospitality Syracuse, spoke saying these structures would not be cheap to replace, and he would like to keep them up, until a use is determined, like storage, or if in fact, be removed. Mr. MacCracken stated, they wouldn't be left indefinitely. There is an agreement to build a fence around the sheds. Ms. Bell asked if there was a reasonable timeframe that they could agree with? Mr. McCracken answered that will be hard to say. Mr. Geiss stated that there at least must be a plan written up, before Certificate of Occupancy is, granted. Chairman stated they were not looking for an immediate outcome, just a plan. Chairman read resolution as follows:

RESOLUTION NO. 21__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

Hospitality Syracuse, Inc. seeks a special use permit to operate a restaurant with drive-in service pursuant to Sections 200-21 and 200-27 of the Town of Van Buren Zoning Code and area variance relief from Sections 200-59(G)(2), 200-59(F)(1), 200-58(C), and 200-54(B)(1) of the Zoning Code to allow three (3) wall signs, a freestanding sign measuring 50 square feet, directional signage with advertising, for a

total of 149 square feet of signage, on property located at 2220 Downer Street, Tax Map No. 33.1-04-02.2 (the "Property"). The Property is in the GB Zoning District.

In support of its request for a special use permit, Applicant submitted an Application for a Special Use Permit, Agricultural Data Statement, Notification to Surrounding Property Owners of Pending Action, Short Environmental Assessment Form with Project & Stormwater Narrative, a Traffic Impact Assessment, prepared by GTS Consulting, dated December 3, 2020, proposed building elevations, ALTA/NSPS Land Title Survey, prepared by Ausfled & Waldruff Land Surveyors, LLP, dated October 8, 2020, and "Site Development Plans," prepared by Bohler Engineering, dated October 28, 2020, last revised December 30, 2020, consisting of Sheets C-101, 102, 201, 301, 302, 401, 501, 601, 602, 701, 702, 703, 901, and 902.

In support of its request for area variance relief, Applicant submitted a Building Permit Application, Sign Project Narrative, Signage Site Plan, prepared by Bohler, dated October 27, 2020, last revised December 30, 2020, the "Taco Bell Sign Catalog Cut Sheets for Wall & Directional Signage," dated June 2020, the "Taco Bell Sign Catalog for Freestanding Signage," dated June 2020, and Site Aerial.

Tim Freitag, P.E., and Michael McCracken, representatives for Applicant, appeared at the public hearings to describe its proposal to construct a new, 2,650± square foot single story restaurant facility with drive thru services and 42 parking spaces and to demolish one existing metal building on the Property. Applicant further presented its proposed signage package wherein, (a) three (3) walls signs are proposed, in excess of the permitted one (1); (b) a freestanding sign measuring approximately 50 square feet at 30 feet in height is proposed, in excess of the 32 square feet and 25 feet height that is permitted; (c) directional signage measuring four (4) square feet with advertisement is proposed, in excess of the three (3) square feet that is permitted; and (d) the proposal of a signage package totaling 149 square feet in area, in excess of the 30 square feet that is allowed. Applicant's representatives were able to address the concerns of the Board. The Applicant explained that they did not have plans to remove the remaining

three (3) open-faced storage structures formerly used by 84 Lumber for a lumber yard use, further confirming that plans for the existing structures were not yet finalized. The Board reviewed the sufficiency of landscaping, sidewalk placement and building location on the Property. The Applicant submitted a traffic study and, after discussing the projected level of service and potential traffic mitigation measures, indicated full access onto Downer Street was planned, but acknowledged that review of traffic concerns by Onondaga County and State Departments of Transportation was underway. Although a Stormwater Pollution Prevention Plan (“SWPPP”) is required, Applicant noted, as a redevelopment proposal, the treatment of stormwater will significantly improve. Notice of the public hearing was duly published. There was no opposition to the application at the public hearings.

The Board properly referred the special use permit application to the Onondaga County Planning Board (“OCPB”) pursuant to General Municipal Law Section 239-m. By resolution dated February 17, 2021, Case #Z-21-77, the OCPB recommended the following modifications to the proposal:

- The Applicant must continue to coordinate with the Onondaga County Department of Transportation regarding approval of the driveway location along Downer Street, as well as review of final site plans, drainage, and pavement marking modifications to Downer Street. The Town must ensure that any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, Town approval.
- The Applicant must submit a copy of the SWPPP and/or any drainage reports or studies to the New York State Department of Transportation for review. To further meet Department requirements, the Applicant must obtain a work permit for any work in the state right-of-way. The Town must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, Town approval.

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

1. This matter is subject to the State Environmental Quality Review Act and is classified as an unlisted action. During the January 2021 meeting, the Board appointed itself Lead Agency for the uncoordinated review of this matter. The Board issued a negative declaration, having concluded that

granting the requested relief to allow the Special Use Permit and area variances will have no potential adverse environmental impacts, particularly with respect to water, drainage, air quality, soils or other matters of environmental significance.

2. Section 200-27(C) of the Town of Van Buren Zoning Code specifically contemplates the use of the property for drive-in service upon issuance of a special use permit.

3. The Board determines that:

- a. As proposed, the use is allowed by special use permit. The use is in compliance with the applicable intent and regulations of the Code;
- b. The proposed use is located on a general business zoned parcel and is consistent with the long-term development objectives of such area. The Property is serviced by all necessary utilities and is compatible in size and character to existing land uses in the immediate area;
- c. The scale and design of the use is in compliance with Town requirements and will be visually compatible with conditions of the site and surrounding properties;
- d. The drive-in service is permitted only in association with the principal indoor restaurant use;
- e. The use is designed and shall be operated in a manner that minimizes off site disturbance of natural and cultural resources;
- f. The nature and intensity of operations will not be more objectionable to surrounding properties than those of an expressly permitted use in the district;
- g. The restaurant use and the proposed design of the building and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses;
- h. The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community;
- i. As evidenced by the traffic study and mitigation measures required by the State Department of Transportation, the use will not unreasonably increase traffic congestion or safety hazards or impose traffic volumes on a roadway which is deficient in width or design;
- j. As designed, the Property has sufficient area and frontage for safe and efficient vehicular access, egress, internal circulation, and provision of services without adversely affecting the flow of traffic on abutting streets;
- k. The design allows for a minimum stacking of five (5) vehicles waiting for service to be maintained on-site for the restaurant's drive-in window;
- l. Appropriate landscaping and buffering will be maintained per the proposed

plans; and

- m. Waste disposal and similar accessory service areas will be adequately screened from view and maintained to avoid any discharge of hazardous materials to the surface drainage system.

4. The Special Use Permit to allow for use of the Property as a restaurant with drive-in service is hereby granted, in accordance with Sections 200-27(c) and 80(C)(5) of the Zoning Code, subject to the following conditions:

- a. The Applicant shall comply with the mitigation requirements established by the Onondaga County Department of Transportation, as well as the New York State Department of Transportation, and obtain any and all necessary permits;
- b. This approval is subject to the Town Engineer's approval of the Stormwater Pollution Prevention Plan (SWPPP); and
- c. Prior to the issuance of a Certificate of Occupancy by the Town of Van Buren Code Enforcement Officer, the Applicant shall either demolish to the satisfaction of the Code Enforcement Officer the three (3) existing storage structures on the Property or, in the alternative, the Applicant shall submit a land use application to the Town for permission to use such storage structures.

5. With regard to the requested variance relief, the Board does hereby render the following determinations:

- a. it is determined that granting the requested area variance relief will not produce any undesirable change in the commercial character of the neighborhood and will not be a detriment to nearby properties;
- b. the requested variance relief will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district; and
- c. there is 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.

6. The variance relief for signage relating to the restaurant use, as sought from Sections 200-59(G)(2), 200-59(F)(1), 200-58(C), and 200-54(B)(1) of the Zoning Code, to allow (a) three (3) wall signs,

(b) a freestanding sign measuring 50 square feet and 30 feet in height, (c) directional signage with advertising measuring four (4) square feet, (d) for a total of 149 square feet of signage, is hereby granted.

Dated: March 9, 2021

Zoning Board of Appeals
Town of Van Buren

Roll Call Vote:

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

Mr. Virginia commented on the three storage units condition being added last minute with the removal of steel/debris- should remove the phrase "grading". Not a grading project. Chairman stated any debris or steel must be removed from site, cannot be left there. Agreed on wording of "will return to original grade". Any demo will be, removed and not left a hole. Resolution will be, amended to reflect this. Demo will meet code officer standards. Roll call vote called: Votes as followed:

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

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)

State and County approval of ingress/egress off Downer St. with a modification to the roadway-a center turn lane added. NYS will issue own permit, as well. Mr. Freitag stated he did include future development in traffic study done, Map revised on December 2020 (C-701) for the landscaping. Chairman asked for any comments. Only one signed copy of revised plans, submitted. SEQR is ratified and reaffirmed. Motion by Mr. Virginia to approve site plan review, per map dated October 27, 2020 with last revision on December 22, 2020, seconded by Mr. Roman. Motion carried. Reference made specifically to map C-701 for landscaping, followed along with all DOT requirements, followed.

Motion by Mr. Schanzenbach to open public hearing, seconded by Mr. Virginia. Motion carried.

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

Neil Zinsmeyer of 110 Fayette St., Manlius, was present to speak on the Applicants behalf. Mr. Zinsmeyer presented changes made to site plan. A 15ft. easement added from OCWA is pushing site back as well as addition of the sidewalks. Therefore, freestanding sign will be, pulled back with site. Dumpsters moved to the South to meet set back code, and parking moved down as well. Sign is LED lighting, and changes 4xs per hour. Traffic study sent to OCDOT and SWPPP submitted to engineer. Mr. Geiss asked for a brief description of the facility. Mr. Zinsmeyer said it is a low maintenance facility for vehicles and has attached drive-thru restaurant. Not sure who will occupy the restaurant portion yet. Chairman asked if there was anyone present to speak for or against proposal. No comments made.

Public Hearing will be kept open due to a land locked parcel, must be subdivided (merged) back to make one parcel. Mr. Kevin Caraccioli, Attorney with Caraccioli Law PLLC spoke on concerns of keeping the Public Hearing open, stating there would be no value in keeping open, as they have already presented their plans. Mr. Caraccioli said this would put his client in a position to close on a property without knowing zoning approval. Ms. Bell spoke that once public hearing is closed, it will start a 62-day timeframe for a decision, and if this time runs out, it is automatic denial. This would not benefit Mr. Caraccioli's client either. Still need the consent of landowner in giving this land for the usage. Applicant asked for conditional approval. Chairman stated they normally don't like to grant conditional approval, because if conditions aren't met, this is automatic denial, which then a whole new application needs to be submitted.

Subdivision and Site Plan can run concurrently. Subdivision will be up for County Review & Public Hearing. Plans must be submitted to County by March 19th to be reviewed at their next meeting, so must be submitted to Codes office by March 17th. Public hearing will be called for April 13th for the subdivision, and since Applicant will be back next month for this, agreed to keep the hearing open. Motion by Mr. Roman to keep public hearing open, seconded by Mr. Virginia. Motion carried.

Motion by Mr. Virginia to open public hearing for Xpress Auto area variance for signage, seconded by Mr. Roman. Motion carried.

PUBLIC HEARING-JOHN ROMEO-XPRESS AUTO CARE-AREA VARIANCE FOR SIGNAGE-2290 DOWNER ST.-BALDWINSVILLE-TAX MAP ID #33.1-05-10.2 (LB)

Mr. Neil Zinsmeyer spoke on plans for the signage at Xpress Auto. Chairman asked if there was still a variance needed due to the easement and sidewalk addition pushing back the freestanding sign. Mr. Zinsmeyer said this eliminates the variance needed for that sign. Variance still needed for the LED sign and size of signage. Height of the sign will meet code, size of sign is a request of 50sq/ft. and code is 32. The property is one building, per code 1sq/ft. allowed per measurement of building frontage. Frontage measures 88sq/ft., asking for 96sq/ft. of signage, making a difference of 8sq/ft. Variance also needed for number of signs from one to two, one for auto portion of building, another for restaurant. Chairman asked for any comments for or against proposal. No comments.

Motion by Mr. Schanzenbach to hold public hearing open, seconded by Mr. Roman. Motion Carried. Regular meeting back in session.

JOHN ROMEO-XPRESS AUTO CARE-AREA VARIANCE FOR SIGNAGE-2290 DOWNER ST.-BALDWINSVILLE-TAX MAP ID #33.1-05-10.2 (LB)

Neil Zinsmeyer was present to speak. Chairman stated a public hearing will be called for Subdivision at April 13th meeting to combine landlocked portion of land to become one parcel. Asking for 56sq/ft. from 26sq/ft. and asking for 96sq/ft. of signage on building, instead of the 88sq/ft. allowed by code based on 1sq/ft. allowed per building frontage. Chairman reviewed County comments, coordinating with them for traffic data and lighting plans for review. Conditioned also by OCDOT. Mr. Zinsmeyer received traffic report, will be sending to County and Town codes office. Reconstruction of shoulder and addition of sidewalks on Xpress Auto property along with landscaping will be, added to plans.

Chairman asked for any comments. Mr. Virginia commented on the lineage footage signage with building being 88ft. long, are awning portions meeting code as well, not included on plans. Different code applies to awning signs. Mr. Zinsmeyer clarified signs are only on building, awnings are below signs, above doors. LED sign is only changing four times per hour. SEQR opened last meeting. Motion by Mr. Schanzenbach to call public hearing for April 13th meeting. Redo variance request for signage with proper measurements and number of signs, as well as, submit a subdivision application before deadline to go to County.

TODD TOWN-SUBDIVISION-1821 WARNERS RD.-WARNERS-TAX MAP ID #049-02-09-(R40)

Mr. Todd Town of 1903 Warners Rd., property owner was present to speak on plans to subdivide a parcel with an existing house, from rest of farmland to create two separate properties. Chairman asked Mr. Town if he owned the property next door as well, yes about 44 acres. Plans are showing a couple feet of difference from property line. Mr. Town said he will move

subdivision over to meet the property line. The well shown on the property is not in working condition, land is on public water service. Mr. Town said there is an old tractor path he would like to use for access to both farm properties. Ms. Bell suggested if subdividing the front, adding the rest of the land together 2nd recommends revising subdivision application to reflect this and done all at one time. Mr. Town explained one parcel, owned by him, the other owned by his wife. This will prevent doing all at once. Must have new map in for County review by March 17th and list on back lot “not a building lot”.

Motion by Mr. Virginia to call public hearing for April 13th meeting, seconded by Mr. Schanzenbach. Motion carried.

Other Informaton:

Mr. Geiss stated parcels can't be combined simply through the Assessor's office like in the past. Must go through County.

There will be a Zoom meeting on Crego Farm project, Town Supervisor will field questions, Mr. Geiss will attend, and a sub-committee will be, formed if anyone is interested.

DG NY Memphis Solar project is waiting on comments back from Thruway.

