

The April 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	excused
	Mark Budosh	present
	Jamie Bowes	present
	Roger Roman	excused
	Greg Boltus	present
	Jim Schanzenbach	present
	Tony Geiss	present

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

### **MINUTES**

Motion by Mr. Bowes to approve the March meeting minutes as amended. Seconded by Mr. Schanzenbach. Motion Carried.

Town Attorney, Rich Andino declared Town of Van Buren lead agency with no adverse, environmental impacts being present. Motion by Mr. Schanzenbach in regards to SEQR of Todd Town subdivision, seconded by Mr. Budosh. Motion carried.

Motion by Mr. Schanzenbach to open Public Hearing for Todd Town, seconded by Mr. Budosh. Motion carried.

### **PUBLIC HEARING-TODD TOWN-SUBDIVISION-1903 WARNERS RD.-WARNERS-TAX MAP ID #049-02- 09-(R40)**

Mr. Todd Town of 1821 Warners Rd. was present on his own behalf. Mr. Town's proposal is to subdivide a parcel of his property to sell. No future plans to build on rest of the property, and the subdivided parcel to sell, already has a residence on it. Mr. Town labeled rest of back property "not a building lot" as requested. There is an access road to both properties that will be, kept. Chairman asked for any comments, no comments made. Motion by Mr. Schanzenbach to close public hearing, seconded by Mr. Budosh. Motion carried.

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

Chairman informed Mr. Town the well shown on the map must be labeled "abandoned well". Mr. Town asked if he wanted to use the well, would this matter? Mr. Geiss said yes it would, because of property lines and setbacks. County comments included adding an easement, or

labeling well as abandoned. Access to Warners Rd. must be kept and all lots will not, affect sight distance. Chairman asked for any comments. Mr. Bowes asked for clarification on lot size, due to listing different on application. Mr. Todd noted the original was too close to meet setbacks, so 15ft. was added to subdivided parcel to meet requirements of this.

Motion by Mr. Schanzenbach to approve subdivision Lot one at 32.1 acres (not for building) with access off Warners Rd. and lot two at 3.27 acres per map dated March 16, 2021. Seconded by Mr. Budosh, motion carried. Conditioned to labeling well abandoned. Chairman re-declared Town of Van Buren lead agency in this uncoordinated review of Todd Town Subdivision.

Motion by Mr. Schanzenbach to hold series of Public Hearings for John Romeo, Xpress Auto subdivision, site plan, special use permit and area variances, seconded by Mr. Budosh. Motion carried. Chairman re-declared Town of Van Buren lead agency in this unlisted action, uncoordinated review for subdivision, special use permit, site plan and area variances for signage on Xpress Auto tax map #33.1-05-10.2 in a Local Business District. Motion by Mr. Budosh, seconded by Mr. Schanzenbach. Motion carried.

**PUBLIC HEARING-JOHN ROMEO-EXPRESS AUTO CARE-SUBDIVISION-2290  
DOWNER ST.-BALDWINSVILLE-TAX MAP ID #33.1-05-10.2 (LB)**

Mr. Neal Zinsmeyer of Napierala Consulting was present on the Applicant, John Romeo's behalf. Mr. Zinsmeyer discussed new map for the subdivision-combining a land locked parcel with their land in front, to unlock parcel labeled "new lot 1A" Chairman asked if there was anyone to speak? No comments. Motion by Mr. Schanzenbach to close public hearing, seconded by Mr. Budosh. Motion carried.

Motion by Mr. Schanzenbach to reopen public hearing for Xpress Auto site plan & special use permit, seconded by Mr. Budosh. 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)**

Mr. Neal Zinsmeyer spoke on revisions to site plan maps and special use. No major changes listed, but cleaned up the plans a bit based on suggestions from the Board. Mr. Geiss stated it is an allowed use in this zone, but needs a special use permit per Town code. Chairman asked if there was anyone present to speak. No comments. Motion by Mr. Schanzenbach to close public hearing, seconded by Mr. Budosh. Motion carried.

Motion by Mr. Schanzenbach to reopen public hearing for Xpress Auto area variance, seconded by Mr. Budosh. 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. Zinsmeyer spoke on plans for the area variances remained the same, but a correction to total area of signage with new application submitted. Free standing sign to 56sq/ft. when allowed is 25' and building signage allowed 88sq/ft. asking for 96' and two signs, only allowed one sign by code. Chairman asks anyone here to speak. No comments made. Motion by Mr. Budosh to close public hearing, seconded by Mr. Schanzenbach. Motion carried. Regular meeting back in session.

**JOHN ROMEO-EXPRESS AUTO CARE-SUBDIVISION-2290 DOWNER ST.-BALDWINSVILLE-TAX MAP ID #33.1-05-10.2 (LB)**

Chairman stated no position taken from County. Mr. Zinsmeyer was present for the landlocked parcel combining to the rest of their parcel for Xpress Auto. Motion by Mr. Schanzenbach to pass subdivision plans per maps dated March 11, 2021, seconded by Mr. Budosh. Motion carried.

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

Mr. Kevin Caraccioli, Attorney for John Romeo, spoke on SEQR having three parts, he had only heard two mentioned. Did not hear Special Use listed. Mr. Andino spoke to the written final resolution, will include Special Use. For clarification, Chairman stated maps show proper setbacks and meets OCDOT requirements. Mr. Andino asked latest revision date (April 2, 2021) to reflect in resolution. Motion by Mr. Schanzenbach to approve site plan dated January 26, 2021 with latest revision April 2, 2021, seconded by Mr. Budosh. Motion carried.

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

Area variance for signage on property for freestanding sign, area signage allowed as well as number of signs allowed- from one sign to two. Chairman asked for any questions/comments. No comments. Chairman read resolution as follows:

**RESOLUTION NO. 21\_\_**  
**OF THE**  
**ZONING BOARD OF APPEALS**  
**OF THE TOWN OF VAN BUREN**

John Romeo, with a mailing address of P.O. Box 1047, Oswego, New York, seeks a Special Use Permit to perform light vehicle maintenance and service with a drive-thru restaurant on property located at 2290 Downer Street, Tax Map No. 33.1-05-10.2 (the "Property"), pursuant to Sections 200-21, 200-22(D)(6) and 200-27(A) and (C) of the Town of Van Buren Zoning Code. In addition, Applicant seeks relief from Sections 200-59(F)(2) and 200-59(G)(2) of the Zoning Code to allow a freestanding sign measuring 56 square feet and two (2) wall signs with a total of 96 square feet of signage, respectively. The Property is located in the Local Business (LB) Zoning District.

Pursuant to Section 200-21, "light vehicle maintenance" is permitted within the Local Business (LB) Zoning District upon issuance of a Special Use Permit by the Zoning Board of Appeals and site plan approval by the Planning Board. Section 200-22(D)(6) of the Zoning Code requires that "light vehicle maintenance and service," which includes motor vehicle maintenance services, such as oil changes and minor repairs, to be performed entirely within an enclosed building. The Zoning Code specifically prohibits the outside storage of automobile parts, dismantled vehicles, and similar articles.

In support of its request, Applicant submitted an application, with an attached narrative description of the proposed use, an Agricultural Data Statement, a topographic survey, prepared by SeGuin Land Surveying, PLLC, dated February 25, 2021, Preliminary Plans, Sheets A-1 "Floor Plan," and A-2 "Ext. Elevation," prepared by Rowlee Construction, Inc., a Short Environmental Assessment Form ("EAF"), dated January 20, 2021, and Sheets C-1 "Title Sheet," Sheet C-2 "General Notes," C-3 "Demolition and Site Preparation Plan," C-4 "Layout and Utility Plan," C-5 "Landscape, Grading, and Erosion Control

Plan,” C-6 “Lighting Plan,” C-7 “Site Details,” C-8 “Site Details,” and C-9 “Site Details,” prepared by Napierala Consulting as last revised on April, 2, 2021. In addition, Applicant appeared at the public hearing on March 9 and April 13, 2021, to explain its request and address the concerns of the Board. Applicant explained that he sought a Special Use Permit to demolish an existing house and construct a 3,650 square foot multi-use commercial building, consisting of a 3-bay light vehicle maintenance facility with attached drive-thru restaurant. Applicant confirmed that Xpress Auto Care will occupy 2,250 square feet and the restaurant use will occupy the remaining 1,400 square feet.

Upon review by the Onondaga County Planning Board, Case # Z-21-73, the following modifications were recommended:

The applicant must continue to coordinate Downer Street access plans with the Onondaga County Department of Transportation. To further meet Department requirements, the applicant must contact the Department to discuss any required traffic data for the project and submit a copy of the lighting plan for review. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The Onondaga County Planning Board further commented that the “every municipal review provides the opportunity to improve community appearance and the applicant and the municipality are encouraged to reduce the scale of the proposed signage given the site’s proximity to residential uses, and provide sidewalks along the Downer Street frontage and landscape screening of front yard parking to improve walkability.”

Notice of the public hearing was duly published. The public hearing was held on March 9, 2021 and continued until April 13, 2021. There was no opposition to the application at the public hearing.

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 April 13, 2021, 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. The Board's determination is based upon the zoning of the Property and an acknowledgment that the nature, character or intensity of use of the Property will not change by reason of the Special Use Permit, nor by the granting of the requested variance relief. The Property is not located in a critical environmental area and the proposal will not pose any significant impact upon the water, air, agricultural resources, or community character and growth.

2. Pursuant to Section 200-21 of the Code, upon issuance of a Special Use Permit by the Board, the proposed light vehicle maintenance and service use and drive-thru restaurant use is permitted.

3. Relative to Sections 200-27(A) and (C) and 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 is compliant with the applicable intent and regulations of the Code;
- b. Located on a parcel zoned Local Business, the proposed light vehicle maintenance and service use and the drive-thru restaurant use are consistent with the long-term development objectives of such area. Furthermore, the character of the land use proposal is compatible with existing land uses in the immediate area;
- c. The scale and design of the light vehicle maintenance and service use, as well as the use and drive-thru restaurant use, is in compliance with Town requirements;
- d. The design of the site is not likely to create significant traffic issues, particularly with regard to access by emergency vehicles;
- e. The operation of the proposed use is not likely to result in off-site disturbance due to lighting effects;
- f. Noise emissions from the site does not have the potential to be significant and can feasibly be directed away from surrounding properties;
- g. Because approval is contingent on approval of 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;
- h. 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;

- i. 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;
- j. Appropriate landscaping and buffering will be maintained per the proposed plans; and
- k. 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. A Special Use Permit allowing light vehicle maintenance and service with a drive-thru restaurant on property located at 2290 Downer Street, Tax Map No. 33.1-05-10.2, is hereby **granted**, in accordance with the Zoning Code, subject to the following conditions:

- a. The LED sign to be installed by Applicant shall not change more than four (4) times per hour; and
- b. Applicant shall adhere to any and all traffic and roadway requirements imposed by Onondaga County Department of Transportation.

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 not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district; and
- c. there **is/ is no** apparent method to achieve the benefit Applicant wishes to obtain, other than a variance, the requested variances are not substantial 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(F)(2) and 200-59(G)(2) of the Zoning Code, to allow (a) a freestanding sign measuring 56 square feet and (b) two (2) wall signs with a total of 96 square feet of signage, is hereby **granted**.

Dated: April 13, 2021

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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>
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>	_____	_____

End of motion by Mr. Schanzenbach, seconded by MR. Boltus. Motion carried. Roll Call votes as follows:

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

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

Mr. Brandon Jacobson of Brolex Properties was present to speak on housing development for Crego Rd. Chairman reviews in regards to SEQR declaring Town of Van Buren lead agency in this Type 1 action. Authorizing Town Legal Counsel to circulate an informational letter to all agencies involved. Motion by Mr. Schanzenbach, seconded by Mr. Budosh. Motion carried.

Chairman read the list of all agencies involved, and will receive the letter on the developing plans. The list is as follows:

1. Syracuse Onondaga County Planning Agency (SOCPA)
2. Onondaga County of water & Environmental Protection (OCDWEP)
3. Onondaga Department of Transportation (OCDOT))
4. Onondaga County Water Authority (OCWA)
5. Onondaga County Sheriff's Dept.
6. NYS Department of Environmental Conservation (NYSDEC)
7. NYS Parks and Historical Preservation Office (SHPO)
8. NYS Department of Transportation (NYSDOT)
9. NYS Canal Corps.
10. Village of Baldwinsville
11. Baldwinsville Central Schools
12. US Army Corps of Engineers (USACE)
13. Greater Baldwinsville Ambulance Corps. (GBAC)
14. North West Fire District
15. National Grid
16. Buckeye Pipeline

For the record, Mr. Geiss did speak to property owner, Mary Crego for permission to walk the site. Suggested to the Board members to get out and walk the property before too much growth of greenery.

Mr. Jacobson spoke on electrical highline being a fee parcel and easement. Chairman asked if the Buckeye Pipeline was an easement. This needs to be, listed better on the plans, for understanding. Mr. Geiss brought up Section 8 benefits in this development. There was a comment in the Messenger on this subject. Chairman asked are any grants for this being received? Mr. Jacobson answered no, no grants. Mr. Geiss mentioned the petition circulating online for this project, signatures from all over the County, State, Country, USA, globally (Russia, Croatia, etc.) Only about 500+ labeled "Baldwinsville" but not specific to Village or Town. Comments from public meeting, with concern for commercial properties- it is a zone change for residential, not commercial.

There will be limited access through Hunter Dr. and will have to be connected to public sewers. The Comstock development may hook up to this if wanted, it has the capacity to support all the

homes. Traffic studies have been done and submitted to DOT, comments have not been received back yet. Cultural and historical will be submitted to SHPO for review.

A Subcommittee will be selected for this project- Mr. Geiss will be one, need two more from planning board to sit on as well. Will decide members next meeting, due to not a full Board tonight. Note for apartments to add- only one access shown on preliminary plans, and it must have two, with two spots parking per apartment. The Dale Bear access road suggested in comments maybe could be used to access property. Electrical lines must be, laid out. Mr. Schanzenbach asked how many buildings and stories. Six buildings with three stories, making about 216 apartments. Mr. Jacobson inquired if garages count as parking spaces? Yes, they can. Not sure if it counts as space if charging for the garage. Mr. Geiss asked Mr. Palmer to check with the village to see how they counted the parking at Tri-County Apartments. All will have a phased approach. An area for parking must be set aside and shown on plans.

Mr. Bowes asked for any plans on rooftop solar? Mr. Jacobson is not sure on this, but knows there will be charging stations for electric cars. There is no designated field or area for solar. Chairman stated this will not be a quick project with all the communications/planning with all other agencies that need to be done.

**LOU CANNATA-LOU'S CAR CARE-AREA VARIANCE-7361 STATE FAIR BLVD.-  
BALDWINSVILLE-TAX MAP ID #064-01-23/33.2 (GB)**

Mr. Lou Cannata, property owner, was present to speak on plans to subdivide property, along with Tim Coyer, land surveyor. Map was revised April 1<sup>st</sup> to show correct zoning. Mr. Cannata spoke on plans to sell the parcel with gas station on it, which has access to his auto repair shop parcel as well. Current tenants of gas station/mini mart would like to purchase the property, once subdivided. An area variance, is needed for the existing lot line at mini mart, which did not include the drainage area to the North before. Looking for a variance on South side of property (Lot 1A) from 25ft. down to 12ft. Also included a variance request for the back part of property setback from required 50ft. to 33ft. Lot area will need a variance as well.

Before any subdivision is done, variances must be granted & site plan needed. Mr. Geiss asked if 12ft. from side could be any more? No, it limits access to back lot. Mr. Schanzenbach asked if gas station has its own lot, was an easement considered? Mr. Cannata explains current property line takes away his entrance. Most requests asked for are for existing, non-conforming, lots & are grandfathered in. Only real change is side yard property, Chairman explained if Mr. Cannata is doing one he might as well do all variances needed at one time, with the subdivision.

Mr. Geiss discussed the history of the lot. Mr. Schanzenbach asked about the small island being, extended. Mr. Cannata said they were extending the island to allow access for vehicles to both lots for delineation showing separation of the properties. Calling Public Hearings for all four variances listed as well as one for subdivision and site plan showing new lot lines. Plans must go to County Planning Board, being the property falls on a State road. Public hearing for next month, although comments from County will not be back to us in time. Mr. Boltus asked about a spill history. Mr. Cannata stated one was done, and closed out by DEC. Mr. Cannata will confirm with codes office on compliance with DEC. Mr. Bowes asked where deliveries are made to and Mr. Cannata answered all was delivered to front door, nothing in back.

Motion by Mr. Schanzenbach to declare Town of Van Buren lead agency under this uncoordinated review of an unlisted action for Lou's Car Care area variances (side yard, rear, lot depth and lot area) and subdivide for lot line adjustment with site plan approval. Seconded by Mr. Budosh. Motion carried.

Motion by Mr. Schanzenbach to call public hearing for variances May 11<sup>th</sup> meeting, seconded by Mr. Budosh. Motion carried.

Motion by Mr. Budosh to call public hearing May 11<sup>th</sup> for subdivision and site plan approval, seconded by Mr. Schanzenbach. Motion carried.

**Discussion:**

Vito (Old Solvay Iron) met with DEC and working with them to rectify and get a plan in the next 60 days. Sorting this out before coming back to Board.

DG NY LLC- waiting on comments back from Thruway for glare and plantings height. Comments must be received before a decision.

Motion to adjourn by Mr. Schanzenbach, seconded by Mr. Budosh. Motion carried. Adjournment @ 8pm.











