

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

MINUTES

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

Motion by Mr. Bowes to open Public Hearing for LC Enterprises area variances, seconded by Mr. Virginia. Motion carried.

PUBLIC HEARING-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, in addition to area variances to make the lots more defined with own entrances. Mr. Cannata will be selling the parcel with gas station, shifting property line and extending to opposite side to keep lot sizes the same, but creating own entrances to each parcel. Chairman discussed property needing four variances, lot area, lot depth, rear and side yard set-backs. Chairman asked for any comment. No comments made. Motion by Mr. Schanzenbach to hold public hearing open until comments from County are received. Motion seconded by Mr. Virginia. Motion passed.

Motion by Mr. Schanzenbach to open public hearing for LC Enterprises Lou Cannata subdivision, seconded by Mr. Virginia. Motion passed.

PUBLIC HEARING-LOU CANNATA-LOU’S CAR CARE-SUBDIVISION (LOT LINE RELOCATION) & SITE PLAN-7361 STATE FAIR BLVD.-BALDWINSVILLE-TAX MAP ID #064-01-23/33.2 (GB)

Mr. Lou Cannata, property owner discussed plans on subdividing property. He will be looking to adjust lot lines to differentiate between two entrances, as well as adding/extending curbing by 30ft. for easy access around both properties. Chairman asked for comments. No comments.

Motion by Mr. Budosh to keep public hearing open, seconded by Mr. Roman. Motion passed. Regular meeting back in session.

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

Chairman asked for any comments on maps. No comments. Mr. Geiss commented, plans needed signing and stamping. Discussion on Mr. Cannata's plans to build another building 3500sq/ft. pole barn out back for storage & vehicle collaborating. The area is all open, with stone now. Mr. Schanzenbach asked if it will be detached, yes it is. Mr. Virginia asked if this will be for auto work as well? Mr. Cannata answered not at this time, maybe in future.

Motion by Mr. Virginia to open public hearing for DGNY Solar, seconded by Mr. Schanzenbach.

PUBLIC HEARING-DG NY LLC-SPECIAL USE-SOLAR- 6734 NY STATE ROUTE 31-MEMPHIS-TAX MAP ID #047.-02-06.1 (AR80)

Ms. Janet Ward with NextEra Energy was present to speak on the plans for the 5mw solar facility. Ms. Ward discussed the Thruway Authority requests & updates on the plans. Two vehicle gates requested by fire department added and the distance from neighboring properties added to plans as well. Revisions on landscaping including plantings all the way to the East, also listing plant height at 7ft. or same as fence. Ms. Ward addressed the plantings all the way down the Thruway as screening, and confirming with them, they did not need the plants extended all the way down. NYS Thruway has approved the landscaping plans.

Mr. Geiss asked for any comments from the public. Ms. Vera Lopez of 6732 Route 31, Memphis spoke. Asked about distance from her property line to panels. Ms. Ward stated it was about 228ft. from her property, and vegetation added to screen her property. Chairman asked any more comments? Ms. Ward clarified on height of panels being at 10ft. average maximum height.

Motion by Mr. Schanzenbach to close public hearing, seconded by Mr. Virginia. Motion carried. Regular meeting back in session.

DG NY LLC-SPECIAL USE-SOLAR- 6734 NY STATE ROUTE 31-MEMPHIS-TAX MAP ID #047.-02-06.1 (AR80)

Mr. Geiss asked if the Thruway had only requested plantings in the small area shown on plans, Ms. Ward answered correct, in addition to the height of plantings added, and a "landscape warranty" to maintenance plans. Mr. Schanzenbach questioned if they asked for maintenance of plantings whenever they die off, the agreement stating only two years. Chairman stated he will condition the approval to maintenance throughout the span of project. It will be, covered to remove and replace any dead plantings and replace with similar. Chairman states everyone is in agreement.

Mr. Geiss asked for glare and noise study to be reviewed. Ms. Ward read off results for both glare and noise. Findings being minimal for both. The existing noise from road was louder than the solar facility. Glare was tested for automobiles as well as taller tractor trailers and had low impact. Mr. Schanzenbach questioned why the fire department requested the gates to be added at that location? Mr. Palmer explained the Fire Chief wanted different access other than the main entrance, in case of emergency, they can access through different areas. Mr. Virginia asked if there were annual plantings? Ms. Ward answered no, only Junipers and some seed mix under panels. Mr. Virginia stated there were Sunflowers shown on the North East side plans. Ms. Ward said that this may have been a carry-over from other plans, but no there will not be Sunflowers or any annuals. Trees will be blocking any view from neighbors.

Mr. Virginia questioned conflicting language in maintenance plan, it stating replacing in the first two years, not life of project. Ms. Ward explained she read it as the landscaper is to replace any plantings that die off in the first two years of planting, and Next Era would be responsible for the rest of the duration of project. Chairman read resolution as follows:

RESOLUTION NO. 2105__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

DG New York CS IV, LLC seeks a site plan approval and a special use permit to operate a 5-megawatt ground-mounted photovoltaic solar energy facility on a 30.83-acre portion of a 103.14-acre parcel located at 6734 New York State Route 31, Tax Map Nos. 047.-02-06.1 (the "Property"), pursuant to Section 200-21 and Article XV of the Town of Van Buren Zoning Code. The Property is located in the AR-80 (Agricultural Residential) and Rural-Hamlet (RH) Zoning Districts.

In support of its request, Applicant submitted an application, an Agricultural Data Statement, a Notification to Surrounding Property Owners of Pending Action, ALTA Survey, dated January 26, 2021, US Army Corps of Engineers – Determination of No Jurisdiction and No Permit correspondence, dated January 21, 2021, plans prepared by NEXtera Energy Resources, titled "Memphis Solar, DG New York CS, LLC," consisting of the following:

1. C-001, "Civil Title Sheet," dated May 4, 2021;
2. C-002, "Notes," dated February 19, 2021;

3. C-101, "Existing conditions," dated March 9, 2021;
4. C-201, "Site Plan," dated May 4, 2021;
5. C-202, "Grading/ E&SC Plan," dated March 9, 2021;
6. C-203, "Erosion & Sediment Control Plan," dated March 9, 2021;
7. C-204, "Landscaping Plan," dated April 13, 2021;
8. C-301, "Access Road Profile & Details," dated March 9, 2021;
9. C-401; "Erosion & Sediment Control Details," dated February 3, 2021;
10. C-402, "Fence & Gate Details," dated May 4, 2021;
11. S-001, "Equipment Foundation General Notes," dated December 21, 2020;
12. S-201, "Equipment Foundation Plans," dated December 21, 2020;
13. S-401, "Equipment Foundation Details," dated December 21, 2020; and
14. E-101, "Site Plan," last revised September 24, 2020;
15. Traffic Control Documents and Maintenance Plan

a Noise Evaluation Study prepared by Tetra Tech, dated February 1, 2021, a "Glint and Glare Hazard Analysis," prepared by WSP USA, dated January 2021, the "Solar Property Value Fact Sheet," dated 2019, the "Memphis Solar Project, Photographs Simulations – Technical Memorandum," prepared by Saratoga Associates, dated February 2021, decommissioning plan, landscaping example photographs, and a Full Environmental Assessment Form ("EAF"), dated December 18, 2020. In addition, a representative for the Applicant appeared at the public hearing to explain the proposal and address the concerns of the Board.

Upon review by the Onondaga County Planning Board, Case # Z-21-54, it has been recommended that the proposal be modified as follows:

- (1) The Applicant is required to coordinate Route 31 access plans with the New York State Department of Transportation, which must meet commercial driveway standards. To further meet Department requirements, the Applicant must submit a copy of the Stormwater Pollution Prevention Plan ("SWPPP") for review. 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, approval.
- (2) A drainage and grading plan must be provided to the New York State Thruway Authority ("NYSTA") for review. No increase to the amount of site drainage entering onto the Thruway will be permitted. To further meet NYSTA requirements, the Applicant must provide the following information to assess the project for potential impacts to the safety of the traveling public and operation and maintenance of the NYS Thruway: visualization simulations; glint and glare hazard models for the solar panels, array support frame, and for fresh snow and/or ice accumulation on the panels, including consideration of the influence of glint and glare on passing drivers of cars and trucks at different times of the day and at night, throughout the calendar year; viewshed analyses of the project from the Thruway to determine driver distraction and the proximity to hazards within the Thruway clear zone; snowdrift and

deposition analyses; erosion and sediment control plans for construction and post construction activities; vegetation removal and establishment plans; noxious weed control plans; and landscaping plans. The Applicant is advised that if glare is reported by the traveling public on the Thruway system, the project sponsor will be asked to lock tracking panels in the "at rest" position, parallel to the ground, until the issue causing the glare is resolved. The Town must ensure any mitigation as may be determined by the NYSTA is reflected on the project plans prior to, or as a condition of, approval.

- (3) The Town must ensure all wetland permitting requirements are met as necessary.

The OCPB further encouraged the Applicant to site large scale solar arrays on placement on active or prime farmland in a manner that minimizes disruption to existing and future agricultural operations.

Notice of the public hearing was duly published. The public hearing was opened on February 9, 2021 and closed on May 11, 2021. Numerous property owners in the vicinity of the project appeared in opposition to the application, expressing concern with the toxic materials and chemicals used in the manufacturing of the solar panels, the lack of appropriate landscaping buffers, aesthetics and viewshed, and noise generation.

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

1. Because more than ten (10) acres of land will be disturbed by the project, this matter is subject to the State Environmental Quality Review Act and is classified as a Type I action. The Board, as Lead Agency, issued a negative declaration on January 12, 2021, concluding that there were no adverse environmental impacts.

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

- a. Because the proposed use is allowed by Special Use Permit, the use complies with the applicable intent and regulations of the Code;
- b. The proposed use is located on a parcel zoned AR-80 and is consistent with the long-term development objectives of such area. The proposed use is appropriate for the amenities

available to the Property and will not impede development of the area as intended by the Town's Comprehensive Plan;

- c. The scale and design of the use is in compliance with Town requirements and, because of the placement of the facility on the Property, shall be visually compatible with conditions of the site and surrounding properties;
 - d. The design of the site does not create any significant traffic issues;
 - e. The use is designed and shall be operated in a manner that does minimize off site disturbance of natural and cultural resources. Because the proposed solar arrays are ground-mounted or pile driven, the use does minimally disturb prime agricultural soils and is consistent with the soil capabilities of the site to accommodate the use and water runoff has been properly controlled;
 - f. Emissions from the site are minimal and shall not impact surrounding properties;
 - g. The physical characteristics of the Property are suitable for and conducive to the proposed solar facility, without modification to the established character of the surrounding area; and
 - h. The cumulative impacts of the solar array use, consisting of 30.83 acres of a 103.14 -acre parcel, will not unreasonably interfere with or diminish the continued use, enjoyment or growth of the surrounding area or community.
3. Relative to Section 200-93(E) of the Zoning Code, the Board issues the following findings

and determinations:

- a. As proposed, the solar farm will not substantially detract from or block the views of all or a portion of a scenic viewshed, as viewed from any public road, right-of-way or publicly owned land;
- b. The proposed solar farm shall not be installed upon any wetlands as identified by the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers;
- c. The Applicant has demonstrated the existence of adequate emergency/ safety measures;
- d. The proposed solar farm will be secure to the maximum extent possible;
- e. NYS Route 31 will be used for access to the site and its improvements;
- f. The development and operation of the solar farm will not have a significant impact on fish, wildlife, animal or plant species or their critical habitats; and

g. The Board is satisfied with the sufficiency of the proposed setbacks.

4. A Special Use Permit is hereby granted, in accordance with Section 200-21 of the Zoning Code, subject to the following conditions:

a. Applicant shall submit a Stormwater Pollution Prevention Plan to the Town of Van Buren Engineer for review and approval;

b. Applicant shall submit a detail of the paved access road off NYS Route 31 to comply with New York State Department of Transportation requirements;

c. Applicant shall comply with any and all conditions imposed by the NYSTA;

d. For the duration of the project, Applicant shall install, maintain, and replace as necessary, landscaping consisting of a double row of Juniper trees, measuring six (6) feet, at minimum, at the time of planting, and shall further be responsible for mowing from the security fence to the roadway;

e. Applicant shall be required to pay the MS4 fee, as required by the Town of Van Buren Code, in the amount of \$1650.00 per acre, for a total fee of \$51,150.00, and shall reimburse the Town for legal and engineering fees incurred in the review of the application; and

f. Applicant shall submit a bond for the decommission of the photovoltaic solar energy facility in an amount equivalent to 150% of the cost of removal and restoration of the site, in accordance with Section 200-93(o)(2) of the Town Code.

5. The Board does further grant site plan approval in accordance with the aforementioned site plan documents prepared by NEXtera Energy Resources.

Dated: May 11, 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> X </u>	<u> </u>	<u> </u>
Roger Roman	<u> </u>	<u> X </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>

Motion by Mr. Schanzenbach to pass Memphis 5mw solar farm, seconded by Mr. Virginia. Motion carried. Chairman calls for roll call vote. Votes as followed:

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

JAMMERS SPORTS BAR- SITE PLAN REVIEW-ICE CREAM STAND AT 3535 WALTERS RD-SYRACUSE-TAX MAP # 055.-04-02.7 (IND-A)

Mr. Brian Bouchard from CHA consultants spoke on the plans to build an ice cream stand, a 28’x29’ small addition with a retaining wall and railing to accommodate outdoor seating for ice cream patrons. Adding another level of service to existing restaurant. Chairman spoke on Jammers previous visit to Board in 2019, and plans for stage’s sound proofing not being done. Owner has since removed the stage, which will be, reviewed as well. Old stage shown, has since been removed.

Chairman clarified new building is in line with current building line and will be taking up parking spots on both sides of building, plenty of parking space left. Any questions or comments? Mr. Schanzenbach asked for a chart showing how much parking left after build. Also asking if a photometric plan will be, submitted for lights. No changes to lighting being made, so no photometric plan needed. Mr. Virginia asked where patio furniture will be stored in winter months? Mr. Bouchard answered probably offsite, as the owner has many warehouses around the area, and storage will not be a problem. Mr. Bowes inquired if new building, matched levels of existing elevation? Show elevation on plans. Chairman added that would be a Codes requirement. Mr. Virginia asked if there was any plans to use this outdoor area, for restaurant patrons as well? Mr. Bouchard said it will not be, ice cream is usually a quick trip and they will keep that seating limited to only that.

Mr. Bowes inquired about drainage, there will be no changes made. It will flow to the East as it does currently.

Mr. Geiss declared Town of Van Buren lead agency in this unlisted action, uncoordinated review for Jammers Ice Cream stand added to existing restaurant with no significant impact from this proposal. Mr. Schanzenbach motioned, seconded by Mr. Virginia. Motion carried. Motion by Mr. Schanzenbach to send plans to County, seconded by Mr. Virginia. Motion carried.

Mr. James Trasher, with CHA Consultants returned to speak on the Jammers Ice Cream stand approval. Asked if it can be, considered a minor modification, therefore not needing to go to County for comment. Mr. Andino stated it was the Boards decision on this. Mr. Geiss informed Mr. Trasher that plans needed with updates to grading, elevation, & parking. All plans must be stamped and signed, and show ramp with spotted elevation. Parking plans to show what is allowed and what is provided. All parties in agreement.

Motion by Mr. Schanzenbach to approve Jammers site plan for ice cream stand, declaring it a minor modification, seconded by Mr. Budosh. Motion carried.
Plans previously sent to County on construction of restaurant & stage, no change to traffic.
Approved with conditions on grading, elevation spotting and parking.

JAMMERS SPORTS BAR- SITE PLAN REVIEW-FOR NEW STAGE BUILD AT 3535 WALTERS RD-SYRACUSE-TAX MAP # 055.-04-02.7 (IND-A)

Mr. Brain Bouchard of CHA Consultants spoke on plans for building a new stage for the restaurant's outdoor entertainment. Addition of bathrooms as well, adjacent to where the old stage was positioned. They will be moving stage to back of building, to avoid any sound carrying, bringing it back to the hillside to absorb extra noise, and bringing it further away from neighboring properties. Stage will be 28'x24' and under a pavilion with hardscaping in back to contain sound. Chairman mentioned adding walls to the sides, to buffer sound. Mr. Bouchard is hesitant about walls on sides, for it will make all sound go forward. He will discuss with the owner some options.

Mr. Virginia commented the stage was right up to property line, needs a variance for setbacks. Add property lines to plans to show the need for a variance for side yard setback and show the relocation of the transformer and dumpsters, as they will be, moved.

Motion by Mr. Budosh to call public hearing for June 8th meeting, seconded by Mr. Virginia. Motion carried. Motion by Mr. Virginia to declare Town of van Buren lead agency in this uncoordinated review of an unlisted action for site plan & variance, seconded by Mr. Schanzenbach. Motion carried.

RICCELLI NORTHERN,LLC-SITE PLAN REVIEW FOR SIGNAGE-6900 VAN BUREN RD.- BALDWINSVILLE-TAX MAP ID #055.-08-18.0-(PID)

Mr. Michel Fogel, attorney for Riccelli LLC, spoke on the site plan for proposed signage on asphalt silos & the variances needed for sign size. Silos will need a variance due to code, but sign is in comparison to silos, size wise. Chairman asked Mr. Palmer what is allowed by code, and reading from section 200-59C, Mr. Palmer stated roof top signs are not allowed, therefore it needs to be moved down. Only one silo would be considered building coverage, because silos aren't one fluid connection. Will need 114sq/ft. area variance in size, and depending on height, may need one for that, as well.

Chairman asked applicant where they would like the sign to be seen from? Richard Riccelli, owner, answered that they are very proud of their company and their name. They would like to display their pride in the company by show casing this sign, in which his other facilities have similar signage, as silos. Chairman asked where is sign aimed to? When exiting off Thruway on exit 39, it will be seen right away. Mr. Boltus commented that most companies in the area, know the name, the company and where to find it. Mr. Virginia made comment to seeing signs like this painted on silos, not lit up LED ones. Mr. Boltus asked how neighbors will feel and how it is beneficial to them to have the sign. Mr. Riccelli replied he didn't have an answer for that. Applicant stated painting the sign on silos will not be as seen, and that it is not placed on the roof, it is attached to the silos. On plans, looks like rooftop signage. Mr. Fogel said it can be moved down if need be.

Mr. Geiss went on to say, the size of the sign is still an issue. Asking for a 249sq/ft. sign is 114sq/ft. over the allowed size. Chairman commented the sign can only be seen from the East, cannot be seen from Van Buren Rd. unless up close. Mr. Schanzenbach spoke on variances needed for height. Code is at 31ft. and asking for more than 40ft. for that. Mr. Fogel speaks on exit 39 is well lit now and they would like to show off their company and its pride. Chairman brought up recent complaints on the asphalt company starting work up at 4am. This is not in their agreement with the Town. Mr. Greg Kaminski of 4978 Dahlia St. is lead Foreman for Riccelli, stated they have not had trucks starting up at 4am. Mr. Virginia asked if calculations are done based off silo size. Yes, and if basing building frontage off all three silos, they would only require one variance for height.

Mr. Schanzenbach stated he understands pride in one's business, but that no other companies in Town have a sign across their whole building. Applicant is asking for, large number increase in variances. Double or triple the allowed amount. Mr. Riccelli asked for a reasonable amount to ask for. Mr. Geiss stated they are asking for 100% over the allowed signs as well as, the height of it. Will need NYS Thruway to look at plans and weigh in with their thoughts. Need better plans, and to get with Codes office and see exactly what is allowed by code, and no rooftop signage. Mr. Riccelli made note of all concerns, and will be in touch with, codes office to discuss his options.

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

Waiting on correspondence letters to be sent and responded to. Chairman again encouraged the Board to walk to grounds of the property and that a subcommittee still must be formed. Need three members of Planning Board to be on that committee. Mr. Schanzenbach and Mr. Budosh are interested, along with Chairman Mr. Geiss.

Discussion:

Training sessions for certification was discussed, and new requirements for yearly 4-hour training.

Vito- at the old Solvay Iron, still on hold due to waiting on DEC approval for his clean up. He has 60 days to comply with them.

Motion by Mr. Roman to adjourn meeting, seconded by Mr. Budosh. Adjournment @ 8:40pm.

