

The June 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	excused

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

Mr. Schanzenbach was acting Chairman, in the absence of Mr. Geiss.

MINUTES

Motion by Mr. Virginia to approve the May meeting minutes as amended. Seconded by Mr. Roman. Motion Carried.

Motion by Mr. Virginia to reopen Public Hearing for LC Enterprises area variances, seconded by Mr. Roman. 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)

Chairman asked for any comments or questions on Area Variance for Lou’s. No comments made. Motion by Mr. Budosh to close public hearing, seconded by Mr. Virginia. Motion carried.

Motion by Mr. Budosh to reopen Public Hearing for Lou’s Car Care subdivision, seconded by Mr. Roman. Motion carried.

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)

Chairman asked for any comments or questions. No comments made. Motion by Mr. Virginia to close public hearing, seconded by Mr. Roman. Motion carried.

**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 for variances, and why needed. Mr. Schanzenbach reviewed comments from County, with no significant impact.. Mr. Cannata spoke on variances needed, side yard setback by code is 25ft., applicant is asking for 12ft. This will make property with gas station its own parcel, with more defined property lines and will provide an entrance for each properties. Applicant would like a 33ft. setback in rear as opposed to 50ft. by code. Variances needed for the lot depth and square footage of lot, for a total of four. Mr. Schanzenbach reviews Mr. Cannata's request for the variances and for any comments or questions from the Board. No comments made.

Ms Bell reviewed SEQR for both subdivision and variances. Finding no significant adverse impact on environmental factors for this unlisted action. Motion by Mr. Roman in regards to SEQR, seconded by Mr. Budosh. Motion carried. Chairman read resolution as follows:

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

L.C. Enterprises, LLC ("Applicant"), of 7361 State Fair Boulevard, Baldwinsville, New York has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code to allow a side yard setback of 12 feet, a rear yard setback of 33 feet, a lot depth of 167 feet, and lot area of 50,919 square feet on parcels to be created from lands currently known as 7361 and 7363 State Fair Boulevard which are undergoing re-subdivision. The properties are situated in the PUD Commercial Use and R-40 Residence District and are identified as Tax Map Nos. 064.-01-33.2 and 064.-01-23 (collectively, the "Property").

Mr. Lou Cannata appeared on behalf of the Applicant before the Planning Board/ Zoning Board of Appeals and, speaking in favor of the application, requested a reduction in the side yard setback to 12 feet from the required minimum of 25 feet, 50 feet total, a reduction of rear yard setback to 33 feet from

the required 50 feet, a lot depth of 167 feet, reduced from the required 250 feet, and a reduction of lot area to 50,919 square feet, from the required 60,000 square feet. In support of the request, Applicant explained that the relief is required to reconfigure existing parcels so as to create two (2) parcels that accommodate existing structures with distinctive operating land uses. Each lot is served by public drinking water and an individual septic system.

There was no objection to the proposal at the public hearing, which was closed on May 11, 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, and a "Variance Map, Resubdivision of Lot 1A Cannata Meadows Amended," prepared by Ianuzi & Romans Land Surveying, P.C., dated February 24, 2021.

Based upon the foregoing, the Board resolves as follows:

1. This matter is an Unlisted Action under the State Environmental Quality Review Act as it involves the granting of an area variance related to the creation of a nonconforming parcel with existing structures that do not comply with setback requirements. 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 Property is not located in a critical environmental area and, as proposed, the granting of the variance relief will not pose any significant impact upon the water, air, agricultural resources, or community character and growth.

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.

3. Area variance relief from Section 200-45 is hereby granted to allow for a reduction in the side yard setback to 12 feet from the required minimum of 25 feet, 50 feet total, a reduction of rear yard setback to 33 feet from the required 50 feet, a lot depth of 167 feet, reduced from the required 250 feet, and a reduction of lot area to 50,919 square feet, from the required 60,000 square feet, on property located at 7361 and 7363 State Fair Boulevard, Tax Map Nos. 064.-01-33.2 and 064.-01-23.

Dated: June 8, 2021

James Schanzenbach, Deputy 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>

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

Chairman asked for any comments. No comments made. Ms. Bell referenced map dated June 2, 2021 re-subdivision of 1A with site plan approval. Motion by Mr. Virginia to approve subdivision & site plan, seconded by Mr. Roman. Motion carried.

Motion by Mr. Budosh to open public hearing for Jammers Sports Bar variance, seconded by Mr. Roman. Motion carried.

PUBLIC HEARING- JAMMERS SPORTS BAR- SITE PLAN REVIEW-AREA VARIANCE FOR STAGE BUILD & RELOCATION AT 3535 WALTERS RD-SYRACUSE-TAX MAP # 055.-04-02.7 (IND-A)

Mr. James Trasher of CHA Consultants was present on the Applicants behalf. Mr. Trasher spoke on the plans for relocation of a 18' x 32' stage, with a variance needed for rear setback to be at 2ft. from the required 25ft. Mr. Trasher discussed noise reduction, including landscaping along Town property with evergreens. Along rear of stage will be an acoustic sound barrier added, and the other side of stage, noise absorbed by the Jammers building. Chairman asked if there was anyone to speak for or against the project. No comments. Motion by Mr. Budosh to close public hearing, seconded by Mr. Roman. Motion carried.

Motion by Mr. Virginia to open public hearing for Jammers subdivision, seconded by Mr. Budosh. Motion carried.

PUBLIC HEARING- JAMMERS SPORTS BAR- SUBDIVISION TO COMBINE TWO PARCELS AT 3535 WALTERS RD-SYRACUSE-TAX MAP # 055.-04-02.7 (IND-A)

Mr. James Trasher of CHA consultants spoke on the combining of two parcels, both owned by same owner. Looking to combine property along Winchell Rd (14.961 acres) with lot 2 (2.976 acres) for approximately 18 acres. Chairman asks for any comment. No comments made. Motion by Mr. Virginia to close public hearing, seconded by Mr. Roman. Motion carried.

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

Mr. Virginia inquired if the Town Supervisor was made aware of this request. Ms. Bell responded that there is a retaining wall on Town property, and the Town has entered into a license agreement with Jammers for use of this land. Mr. Virginia asked about new stage and restrictions with hours of operation. Mr. Trasher stated no music passed 10pm, and requesting to have allowed two nights a week. Hotel owners have been, spoken to and are in support of the new build and location. Mr. Roman asked how the conversation went with hotel management. Mr. Trasher stated they have a good relationship with the hotel management and they are supportive of what the new, current owner is doing with the property.

Mr. Virginia asked if there was a roof, yes there will be and if that was a permanent wall in rear. Yes, this will have a door added to the wall for band to access. Mr. Virginia then asked about the dumpster relocation, in which Mr. Trasher pointed out where the dumpster would be, placed in back, away from ice cream shop. There will be plantings and a grassy area for patrons to sit if they would like. Screening will be a PVC solid fence. Mr. Schanzenbach asked about the acoustical walls material. Mr. Trasher answered it will be made of wood composite. The building will be absorbing noise on one side and the hill will absorb on the other. Landscaping will be, cleaned up along slope and hillside.

Mr. Schanzenbach asked about the plantings, what will they be? Mr. Trasher answered it will be a combination of Evergreens- Spruces, Pines, Arborvitaes. Mr. Boltus asked height of trees at planting. They will be 6-7ft. There will be minimum of 12 trees, based on plans, however more may be added, depending on agreement with the Town. Mr. Schanzenbach stated, if there are complaints, these need to be rectified before music continues. Mr. Palmer stated most complaints in the past, were on the noise from motorcycles, not for music. Mr. Trasher assured the Board the complaints would be, addressed promptly and fixed.

Ms. Bell reaffirmed SEQR declaring Town of Van Buren lead agency under this uncoordinated review of this unlisted action with a negative declaration. Motion by Mr. Budosh in regards to SEQR, seconded by Mr. Virginia. Motion carried. Mr. Schanzenbach made note of the ice cream stand corrections are to be, dropped off to codes office. The plan is to build stage and bathrooms at same time. Mr. Schanzenbach read resolution on variance as follows:

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

Playa Rienta, LLC (Applicant) seeks variance relief from Section 200-45 of the Town of Van Buren Zoning Code related to the setback for an accessory detached stage structure with attached pavilion on property located at 3535 Walters Road, Tax Map No. 055-04-27, in the Town of Van Buren (Property). Applicant has applied for an area variance to allow the stage structure to be relocated to the rear of Property at a location situated less than 25 feet off the side yard lot line. The Property is located in the Industrial A (InA) Zoning District.

Section 200-45 of the Zoning Code requires a 25-foot side yard setback for detached accessory structures. Applicant seeks to locate an existing stage structure, measuring 24 feet by 28 feet with an attached covered pavilion measuring 30 feet by 85 feet, two (feet) off the Property's side yard lot line.

In support of the application, Applicant submitted an Application for Variance, an Agricultural Data Statement, Notification to Surrounding Property Owners of Pending Action, Short Environmental Assessment Form, Boundary Survey, prepared by CNY Land Surveying, dated November 11, 2020, Sheet C-1 titled, "Stage Relocation Overall Site Plan," and Sheet C-2 titled, "Stage Relocation Layout Plan," prepared by CHA Consulting, Inc., dated May 21, 2021. Brian Bouchard and James Trasher, of CHA Consulting, appeared before the Board on behalf of the Applicant offering the Board an explanation for the requested variance relief and addressing the Board's concerns. Mr. Trasher reviewed the area variance criteria to be considered by the Board. There was no objection to the proposal at the public hearing, which was held on June 8, 2021, pursuant to public notice.

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

1. This matter is Unlisted under the State Environmental Quality Review Act as it involves an individual setback and the granting of an area variance related to location of detached accessory stage and pavilion structure. During the May 11, 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 Property is not located in a critical environmental area and, as proposed, the granting of the variance relief will not pose any significant impact upon the water, air, agricultural resources, or community character and growth.

2. With regard to the requested variance from Section 200-45, 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.

3. For the reasons set forth, variance relief from Section 200-45 is hereby granted to allow a stage structure, measuring 24 feet by 28 feet with an attached covered pavilion measuring 30 feet by 85 feet, to be located two (2) feet off the Property’s side yard lot line, as set forth on Sheet C-1 titled, “Stage Relocation Overall Site Plan,” and Sheet C-2 titled, “Stage Relocation Layout Plan,” prepared by CHA Consulting, Inc., dated May 21, 2021.

Dated: June 8, 2021

James Schanzenbach, Deputy 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>

JAMMERS SPORTS BAR- SUBDIVISION TO COMBINE TWO PARCELS AT 3535 WALTERS RD-SYRACUSE-TAX MAP # 055.-04-02.7 (IND-A)

County comments on both site plan and subdivision reviewed, with no position on either. Motion to pass Subdivision approval-titled Re-subdivision of LOT 1A & LOT 6 to make LOT 1B map dated May 25th, 2021 conditioned to filing combined deed & updating maps to show same ownership. Roll call called:

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

Motion carried.

Conditioned to execution of license agreement with the Town for retaining wall on property, as well as agreement on maintenance of landscaping on Town property under agreement license, and plantings being at 6ft. minimum. Motion by Mr. Roman to approve site plan, seconded by Mr. Virginia. Motion carried.

RICCELLI NORTHERN,LLC-TIME CHANGE FOR 80 DAYS-6900 VAN BUREN RD.-BALDWINSVILLE-TAX MAP ID #055.-08-18.0-(PID)

Mr. Greg Kaminski, manager of black top operations at Riccelli Northern LLC, was present to speak on request for a temporary time change. Riccelli would like to add an hour to shipping times, requesting to open at 5am, instead of 6am. This will be for process only, no trucks. Onondaga County contracted Riccelli to up asphalt production from 60 tons to 120. Request an hour early, to accommodate as much of this order as possible.

Mr. Schanzenbach asked about the beeping sound when trucks backed out, and Mr. Palmer addressed the noise complaints that came in were for 4am start up. Will there be any crushing at this hour? No to crushing at this hour, would like hours of operations to be 5am-6pm. Mr. Boltus mentioned air permitting in compliance with that permit? Mr. Kaminski stated yes it will still be under permit requirements. Mr. Schanzenbach asked about any changes to weekend operations? No, not at this time. Mr. Boltus asked if they are open on Saturdays? Mr. Kaminski answered typically, no and if so, they are, done and out by noon. Not permitted for Sundays from previous agreement with the Town.

Chairman asked for any comments. Mr. Virginia asked how many plants, does Riccelli have to produce for the County. There are three plants. Fulton operations were mentioned, will they be requesting same with hours to mix? Mr. Virginia asked if County order can be, filled by these other plants. Mr. Kaminski answered not really, this causes asphalt drips on the road transporting from further locations, and hardens the product a bit. Ms. Bell explained it is required to come to the Board for any changes in hours of operation, temporary, not permanent. Recommended a set start date and end date. Mr. Kaminski said third Saturday in October was typical end date in the

past, but may have to be, pushed back to second week in November. Ms. Bell specifies dates from June 1st -Oct 30th. Start-up time may be at 5am, but no trucks until 6am. A third condition added that if codes office receives complaints on earlier start time, must cease operation until rectified with codes. Mr. Virginia asked how long it takes to make, how fast is production? Can make up to 500 tons/hr. Mr. Virginia asked how long does start up time take before asphalt feeds? Mr. Kaminski answered about 20mins. Mr. Virginia asked does this mean trucks coming in? No trucks before 6am, there are large silos that can store material until trucks arrive.

Motion by Mr. Virginia to pass temporary hours of operation time from 6am to 5am until October 29th and after this date, normal hours resume, seconded by Mr. Roman. Motion carried.

Conditioned to: No trucks operating before 6am, any complaints will revoke extra hour until complaint, is rectified. Mr. Virginia asked if neighbors were, notified. No neighbors were not, notified. Not required in past to do so. Mr. Roman addressed complaints in past on odor. Mr. Kaminski said this was the previous plant, Spanos and they burned different materials.

Motion by Mr. Budosh to adjourn, seconded by Mr. Virginia. Adjournment @ 7:35pm.

