

The August 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 July meeting minutes as amended. Seconded by Mr. Budosh. Motion Carried.

Motion by Mr. Schanzenbach, seconded by Mr. Budosh to open public hearing for David Hamm Jr. subdivision. Motion carried.

**PUBLIC HEARING-DAVID HAMM JR.-SUBDIVISION-2235 WARNERS RD.-TAX MAP ID #049-04-17-(R40)**

Mr. David Hamm Sr. of 2245 Warners Rd. was present to speak on plans for Subdivision. Mr. Hamm discussed dividing a parcel of land off his larger parcel, separating from property to sell for a residence. All parcels have acceptable space to meet setbacks. Chairman asked for any comments. No comments made.

Motion by Mr. Virginia, seconded by Mr. Roman to close public hearing. Motion carried.

**DAVID HAMM JR.-SUBDIVISION-2235 WARNERS RD.-TAX MAP ID #049-04-17-(R40)**

Chairman referenced County comments, noting access to Warners Rd. from both properties and meeting sight distances with application submitted to County for review. Mr. Hamm stated he has to submit this for approval. Mr. Geiss spoke on sewage disposal for Lot 1. Mr. Hamm confirmed this is approval for the new lot. Agreement for in-lieu of parks lot fee is \$150. Mr. Schanzenbach asked if septic plans are submitted to codes. Plans are County approved already. County will assign address for new lot as well. Approval conditioned to satisfying NYSDOT sight distances and septic sewage disposals approval for Lot 1 submitted to codes office.

Motion made by Mr. Schanzenbach, seconded by Mr. Budosh to approve Subdivision. Motion carried.

Motion by Mr. Budosh to open public hearing for Petro Petrovets, seconded by Mr. Virginia. Motion carried.

**PUBLIC HEARING-PETRO PETROVETS-SPECIAL USE PERMIT TO FILL-6699 POTTERY RD.-TAX MAP ID #055.-01-14.3-(R40)**

Mr. Jason Brown with Dunn & Sgromo was present to speak on extension of special use permit to fill on lot. Work has not been, completed and permit is up for extension. No significant changes to original plans. Minimal filling done up to date. Plans with existing & new elevations submitted with cut elevations showing existing and final. Silk fences confirmed still intact. Depth of fill will be a max 20ft. since land drops from road significantly. Chairman asked for comments. No comments made.

Motion by Mr. Schanzenbach seconded by Mr. Roman, to close public hearing. Motion carried.

**PETRO PETROVETS-SPECIAL USE PERMIT TO FILL-6699 POTTERY RD.-TAX MAP ID #055.-01-14.3-(R40)**

Motion by Mr. Schanzenbach seconded by Mr. Budosh to ratify and reaffirm SEQR from previous review with no adverse environmental impact. Motion carried.

Chairman made note of roughly 20ft. of fill for plans to eventually include a house and fill which would be the back yard of residence. Mr. Geiss conditioned approval to periodic SWPPP reviews, sent to Codes office. Engineer fees set at \$400 to administer SWPPP. Mr. Boltus asked if applicant was cutting into the hillside around 2ft. to the edge. Applicant clarified it was previous fill there, and has been stable. Mr. Geiss read the resolution as follows:

**RESOLUTION NO. 2109\_\_**  
**OF THE**  
**ZONING BOARD OF APPEALS/ PLANNING BOARD**  
**OF THE TOWN OF VAN BUREN**

Petro Petrovets seeks a special use permit to continue to fill property located at 6699 Pottery Road, Tax Map No. 55.-01-14.3 (the "Property") with loam, soil, rock, stone, gravel and sand, pursuant to Section 200-30 of the Town of Van Buren Zoning Code. The Property is located in the R40 Zoning District.

In 2019, Applicant obtained a special use permit to fill the Property for purposes of constructing a single-family residential dwelling. Because the special use permit has expired, Applicant has applied for

another special use permit to continue such land filling activities. As evidenced by the survey submitted by Applicant, the topography of the Property is such that it slopes away from Pottery Road, with the flattest land occurring at the front of the Property, with a fairly steep, twenty-foot (20') drop within ninety feet (90') of the road boundary, then continuing a gradual decline to the rear lot line. As proposed, the residential dwelling is to be situated sixty feet (60') from Pottery Road. The proposed fill is shown to regrade the site, resulting in a more level elevation at the front and rear of the proposed residential dwelling, and relocating the most substantial grade change to the rear of the Property.

In support of his request, Applicant submitted an Application for a Special Use Permit, dated June 28, 2021; Short Environmental Assessment Form; Survey (Sheet S1), prepared by Dunn & Sgromo Engineers, PLLC, dated November 19, 2018, as last revised on August 10, 2021; Site Plan (Sheet SP1), Erosion & Sediment Control Plan (Sheet SP2), and Erosion & Sediment Control Details (Sheet SP3) dated August 10, 2021, all prepared by Dunn & Sgromo Engineers, PLLC, last revised August 10, 2021. Because more than one acre is to be disturbed, a Stormwater Pollution Prevention Plan ("SWPPP") was previously submitted to the Town Engineer for review.

Notice of the public hearing was duly published. Neighboring property owners **did not appear** at the public hearing. The application was duly referred to the Onondaga County Planning Board ("OCPB") for review pursuant to General Municipal law Section 239. By Resolution for Case # Z-21-229, the OCPB determined that the referral will have no significant adverse inter-community or county-wide implications, but comments that the Town is "encouraged to ensure adherence to local regulations regarding land development activities, particularly with respect to the quality of fill materials, in order to minimize negative impacts to drainage and stormwater management."

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. The Board hereby appoints itself lead agency for the uncoordinated review of this matter. The Board finds that granting the requested relief will not result in any significant adverse impact upon the environment. The Board's determination is based upon the mitigation efforts proposed by Applicant to address the erosion and drainage concerns, as well as an acknowledgment that the nature, character, or intensity of use of the Property will not change by reason of the Special Use Permit. The Property is not located in a critical environmental area and the proposal to fill the Property will not pose any significant impact upon water, air, agricultural resources, or community character and growth. The proposed fill areas will not visually impact the Property, resulting in negligible aesthetic changes.

2. Pursuant to Section 200-30 of the Code, upon issuance of a Special Use Permit by the Board, certain debris materials, which does not include construction debris, may be used to fill a site to a grade approved by the Code Enforcement Officer.

3. The Board hereby determines:

- a. As proposed, the use is allowed by special use permit and is in compliance with the applicable intent and regulations of the Code;
- b. The proposed use is located on a residentially 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. The fill area will be graded and covered with topsoil and seeded in accordance with submitted materials to further minimize any physical and visual impacts;
- 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 minimizes off site disturbance of natural and cultural resources. The use **is** consistent with the soil capabilities of the site to accommodate the use and water runoff **has** been properly controlled; and
- f. Emissions from the site **are** minimal and **shall** be directed away from surrounding properties.

4. In its capacity as Planning Board for the Town of Van Buren, the Board hereby **grants**

approval pursuant to Section 200-30 of the Zoning Code.

5. The Special Use Permit is hereby **granted**, in accordance with Section 200-30 of the Zoning Code, subject to the following conditions, so as to allow for the use of fill as approved by the Code Enforcement Officer:

- a. Applicant shall provide for erosion and sedimentation control satisfactory to the Town Engineer during fill operations and shall comply with the conditions of the Stormwater Pollution Prevention Plan and the submitted plans, which shall include, but are not limited to Sheets SP1, SP2 and SP3;
- b. Applicant shall contact the Code Enforcement Officer to inspect the fill material and approve it prior to distribution;
- c. Applicant shall not accept or use any contaminated fill;
- d. Hours of operation shall be 7:30 a.m. to 5:00 p.m.;
- e. Applicant shall clear Pottery Road of the mud and dirt tracked from the Property onto such roadway on a daily basis, as needed, by means of a power broom/brush or street sweeper;
- f. Applicant shall obtain any and all necessary approvals from the New York State Department of Environmental Conservation; and
- g. Applicant shall submit a final grading plan showing the fill area upon completion of fill operations.
- h. Payment of a \$400 fee for engineering review of the SWPPP

6. The special use permit shall expire on December 31, 2022. Having previously obtained a special use permit to fill the subject Property, Applicant may request one (1) additional one (1) year extension.

Dated: August 10, 2021

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Anthony J. 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>	_____	_____

Mr. Schanzenbach made comment to “cinders” being noted in the fill. Remove from resolution. Mr. Andino inquired about the different dates from 2019 fill. Dates will be updated to reflect current plans. Latest revision being August 10, 2021.

Motion by Mr. Schanzenbach seconded by Mr. Roman, to pass the extension on fill permit. Motion carried.

**LEONID GERASIMOICH- SUBDIVISION-MERGING BOTH PROPERTIES AT OLD SOLVAY IRON BUILDING-3546 WALTERS RD., SYRACUSE-TAX MAP ID #055.1-01-06.2-(IND-A)**

Mr. Leonid Gerasimovich, property owner was present to speak on his plans to combine both properties as his building sits on both parcels. Chairman stated a Public hearing will be called for September 14<sup>th</sup>. Chairman declared Town of Van Buren lead agency in this uncoordinated review in this unlisted action under SEQR for the proposed subdivision on Walters Rd.

Motion by Mr. Virginia in regards to SEQR, seconded by Mr. Roman. Motion carried.

Town of Geddes also received a copy of plans since property is on boundary of Town. Chairman asked for new site plan and all businesses that will be operating out of building.

Motion by Mr. Schanzenbach seconded by Mr. Roman to call public hearing on September 14<sup>th</sup>. Motion carried.

**JEREMY WHEELER-AREA VARIANCE-7704 WEST SORRELL HILLRD.-TAX MAP ID #033.-06-02.0(AR-80)**

Mr. Jeremy Wheeler, property owner was present to speak on plans for variance request. House suffered a fire back on February 2, 2021. He would like to add an addition to back of structure, extending 14ft. to other side of house, to make it more of a colonial style rather than a the original cape cod style. Asking for rear yard variance to do so. Rear is measured perpendicular to property line. Request from 50ft. to 22ft. Include variance for front porch as well for setback.

Chairman opens SEQR in this Type II action declaring Town of Van Buren lead agency. Motion by Mr. Virginia seconded by Mr. Roman in regards to SEQR. Motion carried.

Motion by Mr. Schanzenbach seconded by Mr. Virginia to call public hearing for September 14<sup>th</sup> meeting. Motion carried.

**EMPIRE POLYMERS, LLC-SITE PLAN-7528 STATE FAIR BLVD.-TAX MAP ID #031.-11-01.1 (IND-A)**

Revised plans were presented to Board. Mr. Jeff Hillbrandt of Plumbly Engineers along with Frank Murphy, Owner was present. Mr. Hillbrandt discussed plans for entrances and two new loading docks added to the existing four with a new ramp. In back there will be a new truck scale added and a fire loop eventually to include rail siding and relocation of two storage tanks. Along the Westside of building will be adding new truck parking stalls. New utilities extending to building as well as storm water work. Parking will be for 57 automobiles and 38 tractor-trailers.

Chairman asks for measurements on monumental sign to make sure ok by code. Directional sign will be 24'x18'. The remaining signs are main building signage, replacing existing sign with same measurements. North building will get a 36'x96' sign. New rail proposal looks on plans to be going off property, owner owns both properties, but rails stop at property line. Mr. Geiss asked about entry road if they had a right to use it? Mr. Murphy stated that is correct.

Mr. Geiss mentions trucks leaving North drive will have sight problems since traffic comes at high speeds there. Trucks will be going around the building, with a potential second access road added. Mr. Murphy stated they will work out sight distance. Mr. Schanzenbach asked if North building is being used currently. Mr. Murphy answered it was for light labor and there is power added with new lighting and insulation. Considering using it for a rental or storage unit. Mr. Schanzenbach stated to consider adding handicap spot. Mr. Boltus inquired what the company does. Mr. Murphy answered they grind and shred plastic, wash, dry and sell it as same grade material, shipped in bulk. They turn supplement waste into useable material. Chairman asked for number of employees which is 70 with 3 shifts. Most employees bus to work, but have upper parking area if needed.

Mr. Geiss asked Mr. Palmer on signage. North building sign added for advertisement and currently no plans for that sign. If building used in future a sign will then, be added. Chairman stated add to plans for Board to see approval of signs meeting code. Entrance sign needed, mostly for the trucks. Chairman declared Town of Van Buren lead agency in this uncoordinated review of an unlisted action under SEQR for site plan review.

Motion by Mr. Schanzenbach seconded by Mr. Virginia to call public hearing for September 14<sup>th</sup> meeting. Motion carried.

**JAMMERS TEMPORARY STAGE REQUEST-3535 WALTERS RD.**

Mr. James Trasher was in to speak on stage plans. Currently approved for a new stage build, but supplies such as steel are hard to get right now. Jammers would like to have a 1-2 man band on patio temporarily until stage built within 1-2 months. Mr. Schanzenbach stated steel is really backed up, are they positive it will be completed in 1-2 months? Mr. Trasher answered yes Rawley Steel has confirmed delivery 3 weeks from now. Codes office has plans and application for stage to be, approved. Proposed operation of business is once a week, Tuesdays 6-9pm for 2 months duration while waiting on construction of new stage. Any noise complaint to the Town will require use of band to stop until complaint is resolved and the band is in rear of outdoor patio. Chairman asked for any objection, no objections made. Motion by Mr. Schanzenbach for temporary stage approval seconded by Mr. Roman. Motion carried.

Planning Board made recommendation to Town Board on marijuana sales, where and if it should be allowed, and if so recommendation for general business. Motion by Mr. Virginia to send to Town Board seconded by Mr. Roman.

Motion by Mr. Virginia to adjourn seconded by Mr. Schanzenbach. Motion carried.

Adjournment @ 8pm.













