

The October 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
 Nadine Bell, Attorney
 Casey Palmer, Codes Enforcement Officer
 January Baker, Zoning Planning Board Secretary

MINUTES

Motion by Mr. Roman to approve the September meeting minutes as amended. Seconded by Mr. Budosh. Motion Carried.

Motion by Mr. Roman, seconded by Mr. Budosh to open public hearing for Bartush Signs for Altec signage area variance. Motion carried.

PUBLIC HEARING-BARTUSH SIGNS FOR ALTEC-AREA VARIANCE FOR SIGNAGE-6883 HERMAN RD.-TAX MAP ID #055.-02-04.0 (INA)

Wendy Kern from Bartush Signs was present on behalf of Altec. Ms. Kern spoke on 3 signs- one 4’x 8’monumental double sided sign along Herman Rd. 37’x 12’ monument lettering facing parking lot and a 5’x 20’ sign facing NYS Thruway. Altec’s reasoning for the sign is advertising and safety to know the location. The 4’ x 8’ double-sided sign would be asking for a 32’ variance due to second side. The building sits quite far back and the double sides help traffic see entrance from both directions. Ms Kern stated the signage is similar to other signs on this road at surrounding businesses. The signs are unlit and not out of character for area. The 37’ x 12’ on front of building is branding for the customer entrance. The sign on back of building facing Thruway serves as branding as well and directional off Thruway. Ms. Kern stated that they had decreased the size of that as well from 130sq/ft. to 100. Majority of Altec customers come from the West and will benefit the drivers coming from this direction to see to exit a mile up the road. All signs are non-illuminous with no distraction and 100% of Altec’s customer base is drive up.

Mr. Geiss asked if sign facing Thruway & on front of building is all individual lettering? Ms. Kern answered yes all individual monumental lettering, again not lit. Ms. Nadine Bell, Town Attorney clarified for the Board this is not a use variance. All are area variances.

Exact relief being sought is 3 variances- one for the monument sign being double sided, this doubles the square footage. Second, the code officer determined the building frontage was only on one road (Herman) therefore needing a variance to have a second sign facing Thruway as well as size of the sign. Ms. Bell stated the sign on front of building is in compliance, with code. Ms. Kern said she contacted Thruway about letter of approval listing approval for a 0'x0' sign. Once and if approved, Thruway will send a new letter with exact measurements of sign. There was a glitch in all letters sent out that week with a 0'x0' typo and can be rectified once approved.

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

BARTUSH SIGNS FOR ALTEC-AREA VARIANCE FOR SIGNAGE-6883 HERMAN RD.-TAX MAP ID #055.-02-04.0 (INA)

Ms. Wendy Kern from Bartush signs was present. Chairman made comment to the plumbing business down the road from Altec and it was similar to the signage request applicant is asking for. Mr. Geiss clarified the variances needed- one for monument sign square footage, and two for the Thruway sign for size and it being a second sign when only one allowed by code. Mr. Virginia asked Mr. Palmer if his interpretation of road frontage still stands and Mr. Palmer replied yes.

Mr. Geiss read resolution as follows:

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

Bartush Signs (Applicant), on behalf of Altec Industries, Inc., seeks variance relief from Sections 200-59(F)(1), (G)(1) and (G)(2) of the Town of Van Buren Zoning Code to allow a freestanding monument sign, measuring 64 square feet in area, and a second wall sign, measuring 100 square feet facing the New York State Thruway, to be situated on property located at 6883 Herman Road, Tax Map No. 055-02-04.9, in the Town of Van Buren (Property). The Property is located in the Industrial A (InA) Zoning District.

Pursuant to Section 200-59(F)(1) of the Zoning Code, a freestanding monument sign in the InA Zoning District may not exceed 32 square feet in area. One side of the monument sign proposed by

Applicant measures 32 square feet in area; because Applicant proposes a double-sided sign situated perpendicular to Herman Road, an area variance of 32 square feet is requested.

In accordance with Section 200-59(G)(2) of the Zoning Code, Applicant is permitted one wall sign along an “abutting street” for a principal building. In addition, pursuant to Section 200-59(G)(1) of the Code, the size of the principal structure’s “signable wall” dictates the size of a wall sign. Accordingly, the size of the wall sign proposed for the side of the commercial structure which faces the New York State Thruway must be limited to 75 square feet in area. Because Applicant seeks to locate a second wall sign facing the New York State Thruway measuring 100 square feet in area, area variance relief is required.

In support of the application, Applicant submitted an Application for Variance, Notification to Surrounding Property Owners of Pending Action, Short Environmental Assessment Form, dated September 27, 2021, a narrative addressing the area variance criteria and the application’s compliance with same; and illustrations of the proposed signage, consisting of Sheets 1 of 5, 3 of 5 and 5 of 5, prepared by Bartush Signs.

Wendy Kern, of Bartush Signs, appeared before the Board on behalf of the Applicant on September 14, 2021, and October 12, 2021, offering the Board an explanation for the requested variance relief and addressing the Board’s concerns. Ms. Kern explained that, as proposed, the monument sign is to be double-sided and situated perpendicular to Herman Road to ensure safe access to the Property, particularly given the topography of the Property. It was noted that the monument sign is consistent with signage in the Industrial Zoning District and will not result in an undesirable change to the neighborhood or nearby properties. Of significance, Applicant explained to the Board that site identification is important, as all of its customers come to the Property.

With regard to Applicant’s request for a second wall sign measuring 100 square feet in area facing the New York State Thruway, Applicant noted that because the New York State Thruway abuts the

Property, its request is consistent with the intent of the Town's Code which allows signage along "abutting streets." Applicant further acknowledged the presence of other signage facing the New York State Thruway and took the position that the presence of a second wall sign facing the New York State Thruway is consistent with area signage and will not result in an undesirable change to the surrounding area. Applicant advised the Board that the presence of the sign along the New York State Thruway would assist visitors to the Property traveling from the west with building location.

Proposed sign graphics were presented. During the public hearing on October 12, 2021, no one appeared in opposition to the application.

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 the granting of area variance relief related to signage for an Industrial use. The signage is not illuminated, and no negative environmental impact is anticipated.

2. With regard to the requested variance from Section 200-200-59(F)(1), it is determined the requested variance relief will not produce any undesirable change in the industrial character of the neighborhood and will not be a detriment to nearby properties. Not only does the proposed signage not present any line-of-sight issues, but the proposed location will also facilitate better access to the Property. The alleged hardship has been self-created but due to the physical configuration and topography of the Property it is not a determining factor. It is recognized that the alleged hardship does not apply to a substantial portion of the district or neighborhood. Due to the nature of the proposed use, the benefit sought by Applicant cannot be achieved by any other feasible method. The benefit to Applicant outweighs any detriment to the neighborhood or community as a result of granting the requested relief and the amendment requested is the minimum relief necessary to allow Applicant relief from the Town's Zoning

regulations.

3. With regard to the requested variance from Sections 200-59(G)(1) and (G)(2), it is determined the requested variance relief will not produce any undesirable change in the industrial character of the neighborhood and will not be a detriment to nearby properties. The alleged hardship has been self-created but due to the location of the Property abutting the New York State Thruway it is not a determining factor. It is recognized that the alleged hardship does not apply to a substantial portion of the district or neighborhood. Due to the nature of the proposed use, the benefit sought by Applicant cannot be achieved by any other feasible method. The benefit to Applicant outweighs any detriment to the neighborhood or community as a result of granting the requested relief and the amendment requested is the minimum relief necessary to allow Applicant relief from the Town's Zoning regulations.

4. For the reasons set forth, variance relief from Section 200-59(F)(1) is hereby granted to allow the proposed double-sided monument sign to be 64 square feet in total area and variance relief from Sections 200-59(G)(1) and (G)(2) is hereby granted to allow a second wall sign measuring 100 square feet in area to be situated on the commercial structure facing the New York State Thruway on property located at 6883 Herman Road, Tax Map No. 055-02-04.9, in the Town of Van Buren.

Dated: October 12, 2021

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>	_____	_____

Motion by Mr. Schanzenbach to pass area variance request seconded by Mr. Virginia. Motion carried.

Mr. Bowes commented on the topography and site distance of location being set so far back, signage will help. Mr. Virginia suggested adding to resolution business for Altec is 100% drive up.

Motion by Mr. Schanzenbach to open public hearing for Seneca Neighborhood merging of lots seconded by Mr. Boltus. Motion carried.

PUBLIC HEARING-SENECA NEIGHBORHOOD-(TREYBROOK)-SUBDIVISION TO MERGE 2 LOTS (139/140)-7360 STATE FAIR BLVD.-TAX MAP ID#064-03-1.1 (PUD)

Mr. Brandon Jacobson of Brolex Properties was present to speak on plans to merge two lots (139 & 140) that a customer purchased to build a bigger house. Each lot is 80ft. wide so combined will be 160ft in width. Plans are for a 92ft. long single floor home. Chairman asked for any comments. No comments made.

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

SENECA NEIGHBORHOOD-(TREYBROOK)-SUBDIVISION TO MERGE 2 LOTS (139/140)-7360 STATE FAIR BLVD.-TAX MAP ID#064-03-1.1 (PUD)

Mr. Brandon Jacobson spoke on the layout for the house. It will be 11ft. off one side meeting code of 10ft. minimum for one side yard setback. Mr. Jacobson said the layout being this way, will maximize driveway on one side and privacy on the other. Mr. Geiss reaffirmed SEQR with no adverse significant environmental factors.

Motion by Mr. Schanzenbach with regard to SEQR seconded by Mr. Budosh. Motion carried.

Motion by Mr. Virginia to approve lots merging per survey dated July 29, 2021 seconded by Mr. Schanzenbach. Motion carried.

Mr. Schanzenbach asked which lot it will be. Mr. Jacobson replied it is unknown at this time. New maps will be done and submitted to County and will receive an address. Ms. Bell suggested combining the lots with one new deed submitted. Mr. Jacobson agreed.

Chairman then spoke to Mr. Jacobson about clearing of the trees past the fence, exposing some surrounding neighbors' property. Would he consider extending the fence? Mr. Jacobson spoke on the fence issue. The lot at 159 built their home with no backyard leaving no room for fence or drainage. The lot owner at 158 cleared all the trees that were originally a screen for these neighbors. Mr. Jacobson's company did not clear the trees, the property owner did after purchasing the lot.

Carol Knapp of 117 Henderson Blvd spoke on the fence just stopping midway, does not look good. Chairman stated fence went to tree line and stopped, it was not anticipated the homeowner would come in and clear all of them down. Mr. Virginia explained to Ms. Knapp when plans were reviewed trees were there to screen the surrounding properties. The homeowner cleared the lot and they would have no control over that. The fence was not, extended the whole way because of the trees being there. Ms. Knapp stated the Board approved the plans with fence stopping. The Board cannot make the homeowner plant trees and he has the right to clear his property after purchase of lot. Mr. Jacobson said the homeowner may have plans to put something back there as far as screening. This was a major project to clear the trees and Mr. Jacobson can't imagine him not to have plans for it.

Mr. Roman asked if trees can be stipulated on approvals, for environmental conservation. Yes this can be a stipulation but the developer did not clear the trees, the homeowner did. Mr. Jacobson spoke and said he will try to contact homeowner and see what plans he has, if any. Ms. Knapp left meeting. Chairman asked Mr. Jacobson if he could try and contact owner/builder to see if anything can be or will be done for screening and to coordinate that with Town Engineer and Codes Office.

Motion by Mr. Virginia to open public hearing for Onondaga Community Development seconded by Mr. Budosh. Motion carried.

**PUBLIC HEARING-ONONDAGA COUNTY COMMUNITY DEVELOPMENT-AREA
VARIANCE FOR SETBACKS-106 BAKER BLVD.-TAX MAP #062.-08-08.0 (R10)**

Ms. Toni Kleist from Onondaga Community Development was present to speak on plans for residence on Baker Blvd. County owns house on the lot, proposal is for an addition to house on Rufus Circle side. This will be for a master bedroom measuring 14' x 23'. Mr. Bowes asked if property is currently vacant. It is at this time. County is asking for a 22' setback as opposed to the 30' by code. Chairman asked for any comments? No comments made.

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

ONONDAGA COUNTY COMMUNITY DEVELOPMENT-AREA VARIANCE FOR SETBACKS-106 BAKER BLVD.-TAX MAP #062.-08-08.0 (R10)

Ms. Toni Kleist with Onondaga Community Development was present. Ms. Kleist stated a bath and shower to be built and that all lead and asbestos testing done. This will make the house have three bedrooms and two baths. Making bedrooms larger. Sewer and plumbing will present a challenge being a slab-on grade. Any questions? Mr. Schanzenbach noted that building addition on the Rufus Circle side of property will create no sight challenges. Fencing is already there with no plans to remove. Chairman read resolution as follows:

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

Onondaga County Community Development, of 421 Montgomery Street, 11th Floor, Syracuse, New York (“Applicant”) has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code for property situated at 106 Baker Boulevard, Tax Map No. 062-.08-08.0 (“Property”), relating to the location of a proposed addition to a single-family dwelling. The Property is located in the R-10 Zoning District.

The Property is situated on the corner of Baker Boulevard and Rufus Circle. Applicant proposes to construct an addition measuring 14 feet by 23 feet 6 inches to the existing one-story single-family dwelling between the residential structure and Rufus Circle. Because the Property is a corner parcel, the proposed location for the addition is considered part of the Property’s “front yard.” Under Section 200-45 of the Zoning Code, the required front yard setback distance for a residential structure in the R10 Zoning District is the existing building line, which is 30 feet in the instant matter. Accordingly, Applicant seeks a variance of 8 feet to allow for the placement of the addition 22 feet off the property line.

A representative for Applicant appeared at the public hearing to describe the proposed addition

and the need for such addition. Applicant addressed the concerns of the Board; particularly, the potential impact upon the visual character of Rufus Circle. There was no objection to the proposal at the public hearing, which was held on October 12, 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, dated September 10, 2021, and the survey titled, "Onondaga County Housing Development Fund, Lot #202, Seneca Knolls Section 'E'," prepared by Christopherson Land Surveying, dated March 2, 2020.

Based upon the foregoing, the Board resolves as follows:

1. This matter is Type II under the State Environmental Quality Review Act as it involves the granting of an area variance related to a single-family residential use.

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. 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.

4. An area variance is hereby granted to allow Applicant to encroach into the building line by 8 feet, resulting in the placement of the addition 22 feet off the property line, on property located at 106 Baker Boulevard, Tax Map No. 062-.08-08.0.

Dated: October 12, 2021

Anthony Geiss, Jr. 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>	_____	_____

Motion to pass by Mr. Schanzenbach seconded by Mr. Roman. Motion carried.

Annual training is March 10th, 2022.

Motion by Mr. Roman to adjourn meeting seconded by Mr. Virginia. Motion carried. Adjournment @ 7:15pm.

