

Planning/Zoning Board of the Town of Van Buren, 7575 Van Buren Rd, Baldwinsville, New York, held on May 10, 2022 at 6:00 p.m.

Those present joined in the Pledge Allegiance to the Flag.

Roll Call:	James Virginia	absent
	Mark Budosh	present
	Jamie Bowes	present
	Roger Roman	present
	Claude Sykes	present
	Jim Schanzenbach	present
	Anthony Geiss	present

Also Present: Nadine Bell, Town Attorney  
Jason Hoy, Town Engineer  
Marie Giannone, Planning/Zoning Board Secretary (fill in for January Baker)

**MINUTES**

Motion by Mr. Roman to approve the April meeting minutes. Seconded by Mr. Sykes. Motion Carried.

**Baxter Subdivision. Tax map #030.-03-32.1 R2- district. Property 7658 Seneca Beach Dr., Baldwinsville, NY.**

Mr. Steve Baxter, Seneca Beach Dr., Baldwinsville, is present to address the board. Mr. Baxter would like to subdivide Lot 2 as shown on the map.

Mr. Geiss asked Mr. Baxter about Lot 2 that was subdivided off Lot 1. Mr. Baxter said Lot 2 will be subdivided into Lot 2A consisting of 1.1 acres and Lot 2B consisting of 3.1 acres.

Mr. Sykes asked if this proposed use would be just for parking. Mr. Baxter said yes. Mr. Sykes said there is 100-year base flood elevation there. Mr. Baxter said that this flood line was put in because he had a pole barn there with a driveway that services that area.

Mr. Baxter said the lot would be owned by one person.

Mr. Geiss made a motion to call for a public hearing for the Baxter Subdivision, Seneca Beach Dr., Baldwinsville, NY, Tax ID 030.-03-32.1 on June 14, 2022 at 6 pm and to start SEQR process to County.

Motion Carried.

Motion to declare Town of Van Buren Planning/Zoning Board as lead agency, a single agency, uncoordinated review for the unlisted action under SEQR for the Baxter sub division listed at 7658 Seneca Beach Dr., Baldwinsville, NY Tax Map ID# 030-03-32.1. This application is for the creation of subdividing Lot 2 into 2 lots in a R20 district. No comments, Motions passed.

**Marion Gardens Apartments Area Variance Tax ID 031.8-01-17.0 PUD**

Michael D'Arrigo is present to address the board. The applicant seeks a rear yard setback area variance for townhouse units #1 through #11 shown in the revised Site Plan attached as Exhibit A located along the easterly boundary of the townhouse community. The setback for the 11 Units for which a variance is sought is 29 feet while the PUD requirement along the eastern boundary of the project is 35 feet. Applicant seeks a variance of 6 feet of the rear set back requirement.

Mr. D'Arrigo said the Planning Board approved the site plan for the project in June 2020. The improvements made to the current site plan include a reduction in density from 64 units to 58 units while the number of public parking spaces has been reduced by one, improving the ratio of spaces to units from 0.72 to 0.78.

Mr. D'Arrigo stated that 12 units were proposed with each unit being 28 feet wide and 26 feet deep. The wide units did not provide for a four-foot overhang over the entrance of the units with a concrete porch and the units were not staggered contrary to all the other units in the project. Mr. D'Arrigo believes that the entry overhang/porch is a necessary element for the upscale townhouses offered to tenants, and staggering the units makes them consistent and in harmony with the rest of the project.

Mr. D'Arrigo said the project has had to deal with a sixty-foot (60') right-of-way owned by OCWA. Mr. D'Arrigo said that they can pave over the easement and cross it with conduit, but cannot build on it. Because of this OCWA right-of-way, the overhang/porch has added four feet to the depth of the unit. All the buildings in the project have units that are staggered two feet in order to avoid the row-house appearance but the units in the approved plan could not be staggered due to the 35 feet set back. The 11 units cannot be made less than twenty-six feet in depth without destroying the utility of the design and to ensure that the buildings do not encroach on the OCWA easement, the units are set back one foot from the edge.

Mr. D'Arrigo stated that construction of the 11 units could not be done without the variance of 6 feet. Mr. D'Arrigo noted the significant improvements made to the part of the project from Caserta Drive to the townhouses, improvement to the stream crossing required by USACOE, some soil conditions requiring additional expense and the necessity to loop the street, it is not economically feasible to eliminate the 11 Units from the project.

Mr. D'Arrigo said they have no reasonable means to construct the 11 Units without the Board granting the variance requested.

**Discussion:**

Mr. Geiss asked about dotted line on map. These units would have an 8 x 8 or 8 x 10 poured concrete patio.

Dumpsters have been eliminated allowing for more parking spaces. Each unit will have their own trashcan with trash hauler service.

Kiosks have been eliminated. Kiosks still shown on map but will be updated for next meeting.

Streets have been named allowing for mail delivery to each unit.

Reduction in setbacks will be along Van Buren Road from 35 feet to 29 feet.

Motion to call a public hearing for Marion Gardens Tax ID #031.8-01-17.0 PUD on June 14, 2022 at 6:00 p.m. for an area variance reducing setbacks from 35 feet to 29 feet.

Motion carried.

Motion to declare Town of Van Buren Planning/Zoning Board as lead agency, a single agency, uncoordinated review for the unlisted action under SEQR for the Marion Gardens area variance Tax Map ID# 031.8-01-17.1 This is a PUD.

No comments. Motions passed.

### **Crego Farms Update**

AR40 to PUD

Chairman Geiss stated that this is not a public hearing or a public meeting, only the beginning of the subcommittee doing review and getting information on the proposal. A subcommittee will be formed to review this proposal changing from AR40 to PUD.

Brandon Jacobson of Brolex Properties, LLC, 5912 North Burdick St., East Syracuse, NY 13057 is present to address the board.

Mr. Jacobson said he has appeared before this board approximately six months ago and gave a preliminary layout. All the agencies were notified including SHPO (State Historic Preservation Office). A report has been submitted by the Public Archaeology Facility of University of Binghamton entitled Phase 1 Archaeological Survey Crego Farm Housing Development Project and Phase 2 Site Examination of Crego Site.

The areas that are to be preserved are noted on the map.

Chairman Geiss asked how many total acres are on Crego Farm Site. Mr. Jacobson said 100 acres including town property.

Chairman Geiss said that this is another initial layout, not a final layout.

Discussion on right-of-way and power lines.

Mr. Jacobson said National Grid has power lines that come through the middle of the property and have been there for some time. Cell towers are at the southern portion of the property.

Mr. Josh Heintz of Brolex Properties stated that there are five access points that cross both easements. They are fluid and the planning board would have the option of the best location to cross the power line and gas easements. The pipeline is within the power right-of-way.

Mr. Heintz stated that SHPO has accepted the recommendation of the University of Binghamton. There are four new areas that were not included in the original village layout. Those new areas are characterized as being of the nineteenth century as opposed to being Native Americans of the fourteenth century or thereabouts. They recommended that with respect to these areas shown, I should be avoided or further study would have to be done. The idea would be for each of these red areas be avoided and considered sensitive. Mr. Anthony Gonyea, a Faithkeeper of the Onondaga Nation, suggested that there may be a knoll with possible human remains. Mr. Gonyea suggested a trench could be dug, but Mr. Heintz said that probably would not be done in conjunction with the recommendations of the University of Binghamton and the sensitivity of the area. Mr. Heintz said that area would be green space.

Chairman Geiss requested three copies of SHPO Report and these will be provided by Brolex. A copy will be in the Town of Van Buren office for review.

Chairman Geiss asked about the Department of Transportation (DOT) traffic study. Mr. Jacobson said when the traffic study is completed, they will be able to have a design in place to go before the planning board.

Chairman Geiss: there is an easement from Crego Road back to the cell tower along the northern boundary. Is that still in existence? Mr. Jacobson said that is true.

Discussion on setback from the river: Mr. Jacobson said only preliminary research had been done. Minimum of 100 ft. from water. Chairman Geiss said to check with DEC or the canal system for more definitive answer on how many feet from the river.

Chairman Geiss inquired on how many lots on the project. Mr. Jacobson said there are 124 single family and 216 apartment units. The single family lots will be changing based on people's needs and aesthetics on how they live. There will be more green space as people do not want large lots. Mr. Jacobson said there will be better planning of this PUD based on the needs of people.

Chairman Geiss said the side yards setbacks have to be maintained still allowing for smaller lot size, which is total 25 ft. minimum 10 ft. on one side.

Mr. Schanzenbach asked about combining lots as they did in Treybrook. Is there a market for larger lots. Mr. Jacobson said some of the lots are 100 by 200 which will accommodate the waterfront lots.

Discussion on apartments: The plan shows 216 units. There will be a redesign of the road based on the needs of the fire department. Chairman Geiss said there definitely will be a second road access required by the fire department. Chairman Geiss said that the town's code enforcement officer, Casey Palmer, has been working with the fire department on access road to this new project. Residents did not want to see ingress and egress through the Comstock Tract.

Brief discussion on parking:

How many parking spots per unit

Parking Garage

Utilizing green space rather than asphalt if not needed for parking

Parking garage is an option for tenants

Mr. Jacobson said the new layout will be available in a few weeks.

Mr. Hoy, town engineer, said TOPO (topographic mapping) will start.

Chairman Geiss said this will go to subcommittee.

Chairman Geiss said Lot 105 has a 60 ft. wide extension out to Tappan. Mr. Jacobson said in talking with the Crego family it was mentioned that there is a 60 ft. wide right of way to access the Crego farm.

Chairman Geiss asked about an HOA. The HOA would take care of stormwater and green space.

Mr. Jacobson said waterfront lots and apartments could start at the same time.

Chairman Geiss said stormwater reviews will have to be done.

There will be water and sewers in this development.

Chairman Geiss said the number of apartments will have to be discussed when the traffic study is completed.

Mr. Jacobson said the new layout will be available in the next few weeks.

Mr. Bowes said on the map the garages seemed far away from the apartment units. He said tenants may use these garages as a storage unit rather than walking the distance to the apartment. Could the garages become storage units. Mr. Jacobson said they would be looking into this and possibly moving the location of garages closer to apartments. The garages are placed there as a natural buffer from Rt. 690.

A subcommittee has been formed for the Crego Farms consisting of:

Mark Budosh – Town of Van Buren Planning Board

James Bowes – Town of Van Buren Planning Board

Wendy VanDerWater – Town of Van Buren Councilor

Howard Tupper – Town of Van Buren Councilor

**Discussion ended on Crego Farms.**

**Discussion on the review of solar regulations.** Claude Sykes and Roger Roman will be on the committee representing the planning board on the review of solar regulations.

Chairman Geiss said we are moving forward with the application for the comprehensive plan.

Mr. Bowes mentioned that the new sidewalk at the Taco Bell (photo) is not what was originally shown on the drawing. Casey Palmer, Codes Officer, will check this out for the mapping on this.

Mr. Bowes spoke briefly on the solar farms in the town of Van Buren. Are there any controls as to what chemicals are used and their effect on ground water. This will be addressed by the committee that will review solar regulations.

Chairman Geiss mentioned where overlay connections can occur in solar.

Motion to close meeting. Meeting adjourned at 7:20 p.m.

Marie Giannone  
Secretary to Planning Board