

Planning/Zoning Board of the Town of Van Buren, 7575 Van Buren Rd, Baldwinsville, New York, held on June 14, 2022 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
	Claude Sykes	present
	Jim Schanzenbach	present
	Anthony Geiss	present

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

MINUTES

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

- **PUBLIC HEARING-MARION GARDEN APARTMENTS-AREA VARIANCE-407 TUSCANY LANE-BALDWINSVILLE-TAX MAP ID #031.8-01-17.0 (PUD)**

Open Public Hearing

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.

Chairman Geiss asked if anyone wished to speak in favor or against this variance. No one spoke for or against.

Chairman Geiss made a motion to close public hearing. Motion carried.

- **MARION GARDEN APARTMENTS-AREA VARIANCE-407 TUSCANY LANE-BALDWINSVILLE-TAX MAP ID #031.8-01-17.0 (PUD)**

RESOLUTION NO. 22__

OF THE

ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Marion Garden Apartments, LLC (the "Applicant") of 106 Turning Leaf Drive, Manlius, New York has applied for area variance relief from Section 200-33(B)(5) of the Town of Van Buren Zoning Code to reduce the rear yard setback distance from 35 feet to 29 feet for Lots 1 through 11 along the eastern boundary of the property. The property is located at 407 Tuscany Lane in the Planned Unit Development (PUD) District and is identified as Tax Map No. 031.8-01-17.0 ("Property").

Mario D'Arrigo and Michael D'Arrigo appeared on behalf of the Applicant before the Planning Board/ Zoning Board of Appeals and, speaking in favor of the application, explained that the number of

apartment units to be built will be reduced from 64 to 56, resulting in the reconfiguration of the townhouse units and parking. Due to the design changes, the Applicant seeks to reduce the rear yard setback distance from 35 feet to 29 feet along the eastern boundary of the Property to accommodate the proposed placement of the townhouse units and attached patios, which measure 8 feet by 8 feet. Noting that prior area variance relief had been granted reducing the rear yard setback distance to 27 feet along the southern boundary of the Property, it was the Applicant's position that granting the requested relief will not negatively impact the surrounding area and is consistent with the approved PUD District. It was further noted that the Applicant is no longer proposing dumpsters or a mail kiosk at the entrance of the Marion Garden Townhouse complex. Pursuant to Section 200-33(B) (5) of the Zoning Code, the rear yard setback for the PUD District within which the Property is located is 35 feet. As requested, the applicant seeks relief of six (6) feet for the townhouse structures, as reconfigured.

There was no objection to the proposal at the Zoning Board of Appeal's public hearing, which was held on June 14, 2022, pursuant to public notice.

In support of the application, Applicant submitted an Application for Variance with attached narrative, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, a plan prepared by Calocerinos Engineering, PLLC, dated June 8, 2022, titled "Marion Garden Townhomes, Site Plan, Sheet C-101," a plan prepared by Plumley Engineering, P.C., dated April 2020, titled "Marion Garden Townhouses, Final Site Plan, Sheet C201," and the first floor plan of the proposed structures.

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 a multi-family residential use.
2. It is determined that variance relief will not produce any undesirable change in the

residential character of the neighborhood and will not be a detriment to nearby properties. The area variance relief requested 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 an area 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 200-33(B)(5) is hereby granted to reduce the rear yard setback to a distance 29 feet off the eastern boundary on property located at 407 Tuscany Lane, Tax Map No. 031.8-01-17.0.

Dated: June 14, 2022

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>	_____	_____
Claude Sykes	<u> x </u>	_____	_____
Roger Roman	<u> x </u>	_____	_____
James Bowes	<u> x </u>	_____	_____
James Schanzenbach	<u> x </u>	_____	_____
Anthony Geiss	<u> x </u>	_____	_____

Discussion:

Mr. D’Arrigo stated the changes to the site plan include:

- ✓ Removal of dumpsters. Trash service will be weekly with each unit being provided with 35 gal trashcan.
- ✓ Surfaces are pervious
- ✓ Turning radius is the same
- ✓ No changes in private roadway
- ✓ Mail boxes at each townhouse
- ✓ No changes to plantings and lighting
- ✓ Snow removal will be provided by developer
- ✓ Pervious areas may change and will be reviewed upon receipt of documents with town engineer

The revised site plan will be contingent on the above changes.

Chairman Geiss said we have to reaffirm SEQR for this. Chairman Geiss asked for a motion to declare the Town of Van Buren Planning/Zoning Board as lead agency, a single agency, uncoordinated review for the unlisted action under SEQR for site plan review for the Marion Gardens 407 Tuscany Ln, Baldwinsville, NY Tax Map ID# 031.8-01-17.1 This is a PUD. This has been reviewed several times and reaffirm there is no adverse/significant environmental impact with respect to this motion.

Motion made and carried.

Motion to approve site plan for Marion Gardens, 407 Tuscany Ln, Baldwinsville, NY Tax ID 031.8.-01-17.1, per the applicant's plans C101 dated June 8, 2022, contingent that the applicant files revised documentation with the town engineer. There will be concrete patios 1 -11 along the eastern boundary with no super structure.

Motion made and carried.

Motion to go into public hearing.

- **PUBLIC HEARING-STEPHEN BAXTER-SUBDIVISION 7658 SENECA BEACH DRIVE -BALDWINSVILLE-TAX MAP ID #030-03-32.1(R20)**

Mr. Stephen Baxter, 7658 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.

Chairman Geiss asked if there is anyone who wishes to speak for or against this. No one spoke for or against.

Chairman Geiss made the motion to close public hearing.

Motion made and carried.

**STEPHEN BAXTER-SUBDIVISION 7658 SENECA BEACH DRIVE -
BALDWINSVILLE-TAX MAP ID #030-03-32.1(R20)**

Chairman Geiss said this will be conditioned on in forming a new building lot, there is a park fee of \$150. Also, nothing can be built on Lot 2B and 2A is not a buildable lot. SEQR is needed for this.

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 as shown on the applicant's map dated April 20, 2022. There is no significant adverse environmental impact with respect to this motion. There is a park fee of \$150.

No comments, Motions passed.

Open Public Hearing

- **PUBLIC HEARING JASON HAWTHORNE-SUB DIVISION (Lot Line Adjustment) -7231 VAN BUREN ROAD-BALDWINSVILLE-TAX MAP ID #051.-02-10.0 (R40)**

Jason Hawthorne, 7231 Van Buren Rd., Baldwinsville, is present to address the board. Mr. Hawthorne would like to acquire .44 of an acre from the adjoining property to add to his property that is directly connected to it. This is a low spot where his family does ice skating on this in the winter, only filling in to about eight inches of water. The in-laws house is way off the road as shown on Lot A.

Chairman Geiss said Lot A will be 5.13 acres, and Lot B 1.42 with the .44 acres added. Chairman Geiss asked if there is anyone that wish to speak for or against this. No one spoke for or against.

Chairman Geiss made a motion to close the public hearing. Motion carried.

- **JASON HAWTHORNE-SUB DIVISION (Lot Line Adjustment) -7231 VAN BUREN ROAD-BALDWINSVILLE-TAX MAP ID #051.-02-10.0 (R40)**

Chairman Geiss said because this is on a county road, it will be referred to County Planning, which has thirty days to review this application. No final action can be taken at this time.

Chairman Geiss made a motion to declare the Town of Van Buren, Planning/Zoning Board as lead agency, a single agency, uncoordinated review for the unlisted action under SEQR Planning/Zoning, lead agency, for the subdivision (Lot Line Adjustment) 7231 Van Buren Road, Baldwinsville, TAX MAP ID #051.-02-10.0 (R40). There is no significant adverse environmental impact with respect to this motion.

Motion carried.

Motion to go into public hearing. Motion carried.

- **PUBLIC HEARING PHILLIP CICCICO-AREA VARIANCE-201 LEXI LANE-BALDWINSVILLE-TAX MAP ID #064.-03-32.0 (PUD)**

Phillip Cicco, 201 Lexi Lane is present to address the board. He stated that he is in the process of putting a fence up and because he is on a corner lot it is considered two front yards. The proposed placement of a six foot high fence extending eight feet off the side of the existing residential structure on Lexi Lane would encroach into the 35 foot setback from the street line.

Chairman Geiss said the applicant is looking for a reduction of 8 feet bringing it down to 29 feet setback.

Chairman Geiss asked if anyone wish to speak for or against this. No one spoke for or against this.

Chairman Geiss made a motion to close the public hearing. Motion carried.

Clarification was given that the relief that is being sought and in speaking with the Code Officer, there are two sections of the code - Section 200-72 (A) and (B) a corner lot with two front yards. It is not 37 feet, but 35 feet and is the setback from that point.

PHILLIP CICCICO-AREA VARIANCE-201 LEXI LANE-BALDWINSVILLE-TAX MAP ID #064.-03-32.0 (PUD)

Chairman Geiss said the applicant is looking for an 8-foot setback for gate along Bloomfield St. There is no interference with sight distance looking down on Bloomfield.

The petition that was presented by the applicant stated the pending variance before the board, but did not give approval. (For the record).

RESOLUTION NO. 22__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

Phillip Cicco (“Applicant”) of 201 Lexi Lane has applied for area variance relief from Sections 200-72(A) and (B) of the Town of Van Buren Zoning Code related to the installation of a proposed fence within 35 feet of the street line, measuring six (6) feet in height in his front yard, for a distance of 60± feet. The property is located on the corner of Lexi Lane and Bloomfield Street in the PUD District and is identified as Tax Map No. 064-03-32.0 (“Property”). Pursuant to the Zoning Code, because a corner parcel has two (2) lot lines coincident with the line of a public street right-of-way, it has two (2) “front lot lines.”

The Applicant appeared before the Zoning Board of Appeals and described the proposed placement of a six (6) foot high fence extending eight (8) feet off the side of the existing residential structure on Lexi Lane, which, as proposed, will encroach into the 35-foot setback from the street line running northwest parallel to Bloomfield Street for a distance of 60± feet, at which point the setback of 35 feet will be complied with to the Property’s northerly boundary line. Applicant requires relief from two (2) sections of the Zoning Code. Section 200-72(A) of the Zoning Code provides, “[o]n corner lots, no fence . . . more than 3 ½ feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 35 feet distant from the point of intersection, measured along street lines.” Section 200-72(B) of the Zoning Code provides, “[o]n all lots, no wall, hedge or fence over 3 ½ feet in height shall be erected within the front yard.” Applicant explained that the topography of the Property limits the placement of the gate on the Property for access to the rear yard. A public hearing on the application was held on June 14, 2022.

In support of the application, the Applicant submitted an Application for Variance, Agricultural

Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, an altered survey of the Property prepared by Ianuzi & Romans, Land Surveying, photographs of the Property with a narrative of explanation, and a petition signed by neighboring property owners in support of the request for relief.

Based upon the foregoing, the Board resolves as follows:

1. This matter is a Type II action 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 the requested variance relief will not produce any undesirable change in the residential character of the neighborhood and will not be a detriment to nearby properties. Variance relief for the proposed fence 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. Due to the topography of the Property, there is no apparent method to achieve the benefit the Applicants wish to obtain, other than a variance and the benefit to the Applicants does outweigh any detriment to the neighborhood or community because of granting the variance relief.

3. An area variance is hereby granted permitting the placement of a six (6) foot high fence extending eight (8) feet off the side of the existing residential structure situated on property located at 201 Lexi Lane, Tax Map No. 064-03-32.0, which will encroach into the 35-foot setback from the street line running northwest parallel to Bloomfield Street for a distance of 60± feet, at which point the setback of 35 feet will be complied with to the Property's northerly boundary line.

Dated: June 14, 2022

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>	_____	_____
Claude Sykes	<u> x </u>	_____	_____
Roger Roman	<u> x </u>	_____	_____
James Bowes	<u> x </u>	_____	_____
James Schanzenbach	<u> x </u>	_____	_____
Anthony Geiss	<u> x </u>	_____	_____

- **ALTEC SERVICE CENTER – SITE MODIFICATION – TAX ID 55.-02-04.0 (IND)**

Mr. Dan LaVeer from Altec is present to address the board. They are looking to getting a variance on the parking lot on Hermann Road and a smaller lot closer to the building as shown on the map. The smaller lot is within the fence as shown on the map. The surfaces will be very pervious stone, no black top.

This does not have to be referred to County. The top part of the parking will be used for after hours drop off. These trucks will be moved in the morning.

- Chairman Geiss made a motion to declare the Town of Van Buren, Planning/Zoning Board as lead agency, a single agency, uncoordinated review for the unlisted action under SEQR Planning/Zoning, lead agency, for site plan modifications for Altec Services, 6883 Hermann Rd., Baldwinsville, TAX MAP ID #055.-02-04.0 (IND). This is for the addition of two small parking areas, one for after hours and the other in the fence area. All equipment in the after hours parking will be removed by noon the following day. There is no significant adverse environmental impact with respect to this motion. This is contingent upon approval of the town engineer which will include SWPP.

Motion carried.

CREGO FARM REVIEW AND UPDATE

Brandon Jacobson 5912 N Burdick St is present to address the board. Mr. Jacobson referred to the revised map:

- ✓ Highlighted green spaces and do not disturb sites.
- ✓ Added egress to the apartments, nothing with garage spaces
- ✓ Changed lot configuration with areas that were highlighted.
- ✓ Unique lot shapes

Chairman Geiss said in reading the archeological report lot 55 referenced 2 mounds. Mr. Jacobson said these mounds will be left undisturbed. Anything in red will not be disturbed.

Chairman Geiss said on Lot 39 two boxes shown by the Seneca river are electric towers, Is there an easement there as it is not shown on the map. Mr. Jacobson said this will be updated on the map.

South easement update – no update.

Discussion 80 ft. lot size as opposed to 90 ft. lot size. Final plan will show what houses will fit on the lot size.

Are Lots 97 and 98 buildable? Mr. Jacobson said he could put some scale to it and see what would fit on these lots.

Mr. Sykes asked about the apartments. 450 units are approved in the town. The board would like to see a study to see what the need is for apartments.

Mr. Virginia asked how the sensitive areas will be maintained on Lots 121, 122, 97 and 98. Mr. Jacobson said the surveys would show the restrictions. Possibly these lots can be a HOA space.

The gas easement is owned by the utility.
Is one stormwater facility sufficient. Engineering will determine stormwater with changes made as needed.

How to access if it is land locked? General discussion.

Discussion on placing monuments or plaques to recognize sensitive areas. Brief discussion on the Senate/Assembly legislation on this.

Traffic study will be done.

Screening will be kept along Rt 690.

Three story apartments – approx. 32 to 33 ft.

Any restrictions along the river for the lots. No update.

East of Lot 53 can be storm facility

Approval pump station behind Tops

Two-phase approach to this project, Phase 1 will be apartments and river lots and start in fill after.

Mr. Jacobson will put together a Phase Plan.

Lots 30 and 31 need to know where driveways connect.

Apartments will not back up to Rt 690

Sufficient water pressure to apartments

Recap;

Apartment study

Example of houses

Phasing

Pipeline location

Traffic study

Under SEQR, SHPO (later)

Treybrook –lot square footage

Chairman Geiss said they are not accepting any questions from the audience, as we are not at that point yet. The resident said she wanted to make a statement. Chairman Geiss asked if it was related to the review that was done this evening.

Amy Stewart, 7979 Crego Rd address the board. She expressed her concerns about the entire project and her opposition.

No formal decisions have been made as these are only informational planning sessions on this project.

Motion to adjourn meeting. Motion made and carried.

Meeting adjourned at 8:00 p.m.

Marie Giannone
Secretary to Planning Board (temporary)