

The April meeting of the Zoning/Planning Board of the Town of Van Buren, held at the Town building, 7575 Van Buren Road, Baldwinsville, New York, was called to order at 7:00 p.m.

Those present joined in the Pledge Allegiance to the Flag.

Roll Call:	Joe Kiselica	present
	James Virginia	present
	James Ruddock	present
	Roger Roman	present
	Jamie Bowes	present
	Jim Schanzenbach	present
	Anthony Geiss, Chairman	present

Also Present: Melissa MacConaghy, Planning Board Secretary  
 Nadine Bell, Attorney  
 Jason Hoy, Engineer  
 David Pringle, Code Enforcement Officer

**MINUTES**

Mr. Geiss asked the Board to accept the March meeting minutes for Zoning/Planning Board as written.

Mr. Kiselica moved to accept the motion, seconded by Mr. Roman. Motion carried unanimously.

**SYRACUSE SAND AND GRAVEL SPECIAL USE PERMIT**

2687 Brickyard Road Tax Map ID # 054-02-4.1

Mr. Geiss reviewed County comments with the applicant.

Mr. Frederick Micale, Mr. Richard Riccelli, Mr. John Hellert, and Mr. Robert Finkle were all present to address the Board.

Mr. Geiss asked do you have the maps that we requested at our previous meeting?

Mr. Micale handed the maps to Mr. Geiss.

Mr. Geiss asked the Board if anyone had any other comments?

No other comments were made.

**Resolution to follow:**

**RESOLUTION NO. 1602  
OF THE  
ZONING BOARD OF APPEALS  
OF THE TOWN OF VAN BUREN**

Syracuse Sand and Gravel, LLC, with a mailing address of P.O. Box 6418, Syracuse, NY 13217-6418, seeks a special use permit to commence mining operations on property located at 2687 Brickyard Road, Tax Map No. 54-02-4.1 (the "Property"), pursuant to Section 200-31 of the Town of Van Buren Zoning Code. The Property is located in the AR80 Zoning District.

In support of its request, Applicant submitted an Application for a Special Use Permit, an Agricultural Data Statement, a Notification to Surrounding Property Owners of Pending Action, and Full Environmental Assessment Form ("EAF"), and appeared at the public hearing to explain why a special use permit was sought and address the concerns of the Zoning Board of Appeals ("Board"). The Applicant explained its proposal to continue mining the Property, which consists of approximately 86 acres, and undertake reclamation efforts once mining operations are complete. There is gated access to the Property on Brickyard Road.

Applicant noted that the Board by Resolution No. 11-10, dated October 17, 2011, previously granted it a special use permit to mine property on Brickyard Road, known as Tax Map No. 54-03.13.2. The EAF notes that Applicant mines decomposed shale from a 64-acre life-of-mine New York State Department of Environmental Conservation ("NYSDEC") permitted site (most recently permitted on February 8, 2016), to operate for 20 years and reclaim the Property through grading and revegetating to form an open space meadow.

Notice of the public hearing was duly published. Frederick J. Micale, Esq. and Richard Riccelli appeared on behalf of the Applicant. The owner of the adjoining property appeared at the public hearing to express his concerns with the application; his concerns focused on the potential impact mining operations will have on the area aquifer and property values.

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. Applicant currently mines decomposed shale on the Property. Such mining activity requires permitting by both the NYSDEC and Town of Van Buren. Applicant recently submitted a Full EAF and underwent an environmental review relative to its application to NYSDEC for a life-of-mine permit for the Property. The NYSDEC granted such permit on February 8, 2016. The instant application before the Board is to renew an existing special use permit to continue mining operations. The Board finds that granting the requested relief to allow the continued mining of the Property will have no potential adverse environmental impacts, particularly with respect to water, drainage, air quality, soils or other matters of environmental significance and thus ratifies and reaffirms its prior SEQRA determination rendered on October 17, 2011.

2. Section 200-31 of the Town of Van Buren Zoning Code specifically contemplates the removal of soil, sand, gravel, clay or quarried stone, except when incidental to or connected with the construction of a building upon the same premises, upon approval by the Planning Board and after the issuance of a one-year special use permit by the Board.

3. The Board ratifies and reaffirms its prior findings relative to Section 200-80(C)5 of the Zoning Code and further determines:

- a. As proposed, the use is allowed by special use permit. The use has been properly permitted by the NYSDEC and complies with applicable Town, County, State, and/or Federal regulations. Accordingly, the use 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 for the proposed mining use;

- 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;
- 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. A Special Use Permit is hereby **granted**, in accordance with Section 200-31 of the Zoning Code, subject to the following conditions, so as to allow for the continued mining of the property located at 2687 Brickyard Road, Tax Map No. 54-02-4.1:

- a. Immediately prior to the existing pavement for the access drive onto Brickyard Road, Applicant shall construct and maintain a rumble area, so as to prevent the deposit and accumulation of dirt and gravel onto the public's right-of-way. Such rumble area shall be subject to inspection and monitoring by the Town of Van Buren Code Enforcement Officer; and shall meet DEC specifications.
- b. Applicant shall continually monitor the deposit of dirt and gravel from motor vehicles exiting the Property onto Brickyard Road, and shall sweep and/or wash such dirt and gravel, as appropriate, on an as-needed basis so as to eliminate the accumulation of same; and
- c. Applicant shall obtain Planning Board approval as required by Section 200-31.
- d. Applicant shall obtain commercial driveway access to the property as required by County DOT.

Dated: April 12, 2016

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Anthony Geiss, Jr., Chairman  
 Zoning Board of Appeals  
 Town of Van Buren

Roll Call Vote:

	Aye	Nay	Other
Joe Kiselica	√	_____	_____
James Virginia	√	_____	_____
James Ruddock	√	_____	_____
Roger Roman	√	_____	_____

James Bowes	√	_____	_____
James Schanzenbach	√	_____	_____
Anthony Geiss	√	_____	_____

**Motion** Mr. Geiss asked the Board to entertain a motion to approve the mining as the Planning Board for the Town of Van Buren to approve the mining permit for Syracuse Sand & Gravel for a property located at 2687 Brickyard Road Tax Map ID # 54-02-4.1. This is per the NYS DEC having granted a mining permit. This is an approval of the site plan for this proposed project. Mr. Ruddock moved to accept the motion seconded by Mr. Kiselica. Motion carried unanimously.

**MICHAEL MCCONNELL CONCRETE INC SITE PLAN**

Winchell Road Tax Map ID# 055-04-02.5

Mr. Jim Hagan was present to address the Board.

Mr. Hagan stated since we last appeared our engineer, Plumley has completed their drainage report and this was submitted to the Town Engineer.

Mr. Hagan stated we have made a couple of minor changes to the site plan. The first one being we have added bioretention area on the west side of the main building.

Mr. Hagan stated we also incorporated along the frontage of Winchell Road new trees.

Mr. Geiss reviewed the County comments with the applicant.

Mr. Geiss stated you need to contact DOT to obtain a permit for a driveway.

Mr. Geiss stated I believe we do have agreements between these properties from the original work, is that correct?

Mr. Hagan stated there was discussions between the applicant and the Town relative to the transfer of a portion of this property to the Town.

Mr. Hagan stated that is in the works right now. The only thing holding it up is the applicant is trying to obtain the title to the property.

Mr. Geiss asked is there sewer on that road?

Mr. Hagan stated yes.

**Motion** Mr. Geiss asked the Board to entertain a motion with regard to SEQR for the Michael McConnell site plan Tax Map ID# 055-04-02.5. The Zoning Board of Appeals previously taken lead agency with regard to this application. The applicant has a property 4.08 acres of which he wants to develop into a commercial site. The applicant has provided us with stormwater pollution control and also has provided some plantings along the main road and along the side which faces the motel. The existing property is an open field. There is no adverse environmental impact with regard to this proposal. Mr. Ruddock moved to accept the motion seconded by Mr. Virginia. Motion carried unanimously.

**Motion** Mr. Geiss asked the Board to entertain a motion to approve the Michael McConnell Site Plan for Winchell Road Tax Map ID # 055-04-02.5 for plans submitted by the applicant dated February 25, 2016 and revised on April 5, 2016 and April 7, 2016. The following comments that the applicant will apply to Onondaga County DOT for a driveway permit off of Winchell Road. The overall stormwater is being reviewed by the Town Engineer and this is subject to the Town Engineer review and approving. The applicant will show the appropriate easements for stormwater purposes and these easements shall run with the land such that the Town Attorney can review and approve them. The applicant will contact Water Environment Protection to get service to the sight. The applicant will submit signed and stamped plans by the end of this week to the Code Enforcement Office. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

## **INFORMATION ONLY**

## **OTHER BUSINESS**

Mr. Geiss stated we will have our Comprehensive Plan Meeting on April 27, 2016 from 4 to 6 pm. Mario D'Arrigo will be our guest for that evening.

## **ADJOURNMENT**

**Motion** Mr. Geiss made the motion to close the meeting. Mr. Kiselica moved to accept the motion, seconded by Mr. Virginia. There was no further discussion. Motion carried unanimously. The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,  
*Melissa MacConaghy*  
Zoning/Planning Board Secretary