

The August 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 6:00 p.m.

Those present joined in the Pledge Allegiance to the Flag.

Roll Call:	Mark Budosh	present
	James Virginia	present
	James Ruddock	present
	Roger Roman	present
	Jamie Bowes	excused
	Jim Schanzenbach	present
	Anthony Geiss, Chairman	present

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

MINUTES

Mr. Geiss asked the Board to accept the July meeting minutes for Zoning/Planning Board upon correction. Mr. Ruddock moved to accept the motion, seconded by Mr. Budosh. Motion carried unanimously.

Mr. Geiss asked the Board if they would like to begin the September 11, 2018 meeting at 6:00 p.m. as well. The Board agreed.

Mr. Geiss stated I would like to recess the meeting to hold a public hearing for Joseph Dottolo Variance Section 200-74 D (1) (d) at 410 Tuscany Lane Tax Map ID# 031.8-03-06.0.

Mr. Geiss waived the reading of the public notice.

Mr. Joseph Dottolo was present to address the Board.

Mr. Dottolo stated my driveway was 20 feet at the bottom and at the top it was three cars wide.

Mr. Dottolo stated I noticed other members of the neighborhood had the driveways three cars width so I extended my driveway not knowing that it was an issue with the Town. I received a violation that this was not ok to do and I then filled out the variance paperwork.

Mr. Geiss asked if anyone would like to speak for or against this proposal.

None one spoke.

Mr. Geiss closed the public hearing.

Mr. Geiss stated we are now back in regular session.

JOSEPH DOTTOLO VARIANCE SECTION 200-74 D (1) d (PUD)

410 Tuscany Lane Tax Map ID# 031.8-03-06.0

Mr. Joseph Dottolo was present to address the Board.

Mr. Dottolo stated we decided to have to driveway this way as it looks better straight as rather than being curved.

Mr. Dottolo stated we have a lot of neighborhood kids that play in our driveway and we would like to put in a basketball hoop.

Mr. Dottolo stated at the edge of the driveway the way the pitch of the yard is there is a large drop off, so we straightened it out so there is less of a drop off.

Mr. Geiss asked when did you do this work?

Mr. Dottolo stated two months ago.

Mr. Geiss asked you only have a two car garage correct?

Mr. Dottolo stated correct.

Resolution to follow:

**RESOLUTION NO. 1810
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Joseph Dottolo of 410 Tuscany Lane has applied for area variance relief from Section 200-74(D)(1)(d) of the Town of Van Buren Zoning Code relating to the width of a proposed residential driveway. The property is located in the PUD District and is identified as Tax Map No. 031.8-03-06.0 (“Property”).

Mr. Dottolo appeared before the Zoning Board of Appeals and, speaking in favor of the application, confirmed that he had increased the width of his residential driveway to approximately 30 feet, to accommodate three (3) cars. Section 200-74(D)(1)(d) of the Zoning Code provides, in pertinent part, that “[t]he maximum width of driveways shall be 20 feet.” There was no objection to the proposal at the Zoning Board of Appeal’s public hearing, which was held on August 14, 2018, 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, and a survey of the Property, dated May 4, 4016, which depicted the property prior to the alteration of the driveway.

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** produce any undesirable change in the residential character of the neighborhood and **will** be a detriment to nearby properties. Variance relief **will** 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** an apparent method to achieve the benefit Applicant wishes to obtain, other than a variance, and the benefit to Applicant **does not** outweigh any detriment to the neighborhood or community because of granting the variance relief.

4. An area variance is hereby **denied** to allow the width of a residential driveway to be increased to accommodate three (3) cars on property located at 410 Tuscany, Tax Map No. 031.8-03-06.0.

Dated: August 14, 2018

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

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u> √ </u>	<u> </u>	<u> </u>
James Virginia	<u> </u>	<u> </u>	<u> </u>
James Ruddock	<u> √ </u>	<u> </u>	<u> </u>
Roger Roman	<u> </u>	<u> </u>	<u> </u>
James Bowes	<u> </u>	<u> </u>	<u> </u>
James Schanzenbach	<u> √ </u>	<u> </u>	<u> </u>
Anthony Geiss	<u> √ </u>	<u> </u>	<u> </u>

Mr. Geiss stated I would like to recess the meeting to hold a public hearing for Crego Subdivision at 7283 East Sorrell Hill Road Tax Map ID# 050.-02-07.0.

Mr. Jason Breckheimer was present to address the Board.

Mr. Breckheimer stated my house is located here, my neighbor the Crego's own the 75 acres or so just behind me and we are looking to add about 4 ½ acres to my parcel.

Mr. Breckheimer stated this will be creating a nice square lot.

Mr. Geiss asked is the total acreage combined is 5.21 acres?

Mr. Breckheimer stated that is correct.

Mr. Geiss asked if anyone would like to speak for or against this proposal?

No one spoke.

Mr. Geiss closed the public hearing.

Mr. Geiss stated we are now back in regular session.

CREGO SUBDIVISION (AR-80)

7283 East Sorrell Hill Road Tax Map ID# 050.-02-07.0

Mr. Jason Breckheimer was present to address the Board.

Mr. Geiss stated the existing lot is non-conforming.

Mr. Breckheimer stated yes it is.

Mr. Geiss stated this subdivision would bring the property into conformance with zoning.

Motion Mr. Geiss asked the Board to entertain a motion to declare the Town of Van Buren Zoning/Planning Board as lead agency single agency uncoordinated review for the unlisted action under SEQR for the Crego Subdivision at 7283 East Sorrell Hill Road Tax Map ID# 050-02-07.0 this is a subdivision of a larger parcel that is taking off 4.49 acres and the remaining acres being 75.8 acres. This is combining with an existing property which will then total 5.21 acres. There is no adverse environmental impact with regards to this proposal. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

Mr. Geiss stated I would like to recess the meeting to hold a public hearing for Chivon Winter Interpretation Section 200-22 D (2) at 7249 State Fair Blvd. Tax Map ID# 059-01-01.0.

Ms. Chivon Winter was present to address the Board.

Ms. Winter stated it was brought to my attention that the profession that I wanted to perform out of the building needed approval. I would like to offer my dog training services and there was a misunderstanding on what zoning code that would fall under.

Ms. Winter stated animals would not be housed at this establishment it would just be a service base service.

Mr. Geiss asked if anyone would like to speak for or against this proposal?

No one spoke.

Mr. Geiss closed the public hearing.

Mr. Geiss stated we are now back in regular session.

CHIVON WINTER INTERPRETATION SECTION 200-22 D (2)

7249 State Fair Blvd. Tax Map ID # 059-01-01.0

Ms. Chivon Winter was present to address the Board.

Mr. Schanzenbach asked is your business exclusively indoors?

Ms. Winter stated for the majority, the outdoor training would be at parks or the owners home, where the dog would need the training the most.

Mr. Geiss asked so there will be no outdoor training at this location?

Ms. Winter stated correct.

Ms. Winter stated I will use this establishment for the dog training one client at a time having a lesson or consultation.

Mr. Geiss asked how many parking spaces are available for your office?

Ms. Winter stated I am not sure of that.

Mr. Geiss asked what are your hours of operation?

Ms. Winter stated Monday, Wednesday and Friday 8 a.m. to 6 p.m., Tuesday and Thursday 8 a.m. to 3 p.m. and Saturday by appointment only. Sunday I will be closed. I will also be closed for lunch from 12 p.m. to 1 p.m.

Motion Mr. Geiss asked the Board to entertain a motion to declare the Town of Van Buren Zoning/Planning Board as lead agency single agency uncoordinated review for the unlisted action under SEQR for the proposed dog training facility to come under item D 2 under commercial uses this being compliant with all the other functions of the section of D 2. There is no adverse environmental impact with regards to this proposal. Mr. Schanzenbach moved to accept the motion seconded by Mr. Budosh. Motion carried unanimously.

Motion Mr. Geiss asked the Board to entertain a motion to approve the Chivon Winter Interpretation to include dog training under the Town Code item (d) commercial uses item 2 which includes personal and professional training services and this is exclusively indoor uses. The Board is asking that this get included in that section. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

MELANIE OLIN VARIANCE SECTION 200-49 E.2 (AR-80)

1076 Lynch Road Tax Map ID# 040-01-22.0

Mr. Daryl Olin was present to address the Board.

Mr. Olin stated we are now asking to put a 6 foot fence in a 20 foot section in the rear of the house that now has a 3 ½ foot chain link fence.

Mr. Olin stated the fence does stop 7 feet from the edge of the gravel road.

Resolution to follow:

**RESOLUTION NO. 1811
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Melanie L. Olin (“Applicant”) of 1076 Lynch Road has applied for area variance relief from Section 200-49(E)(2) of the Town of Van Buren Zoning Code relative to the installation of a proposed wooden stockade fence measuring six (6) feet in height in her rear yard. The property is located in the Waterfront Property Overlay District and is identified as Tax Map No. 040.-01-22.0 (“Property”).

The Applicant appeared before the Zoning Board of Appeals and described the proposed placement of a six (6) foot high wooden stockade fence within the rear yard of the Property for a distance of 20 feet. As proposed, the fence will replace an existing chain link fence. Section 200-49(E)(2) of the Zoning Code provides, in pertinent part, “[f]ences are allowed within the rear and side yards only. A maximum height of six feet is allowed in the side yard and a maximum height of 3 ½ feet is allowed in the rear yard.” Citing such concerns as privacy, the Applicant maintained that the installation of a fence measuring six (6) feet in height in the rear yard of the Property for a limited distance of 20 feet was necessary. The Board noted that the Property was situated upon a private, dead-end road with minimal traffic.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, and an altered survey of the Property prepared by Stephen Sehnert, dated July 7, 2007, showing the location of the proposed fence.

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 residential 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. Neighbors **did not** express any opposition to the variance. 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.

3. An area variance is hereby **granted** allowing a stockade fence measuring six (6) feet in height to be situated in the rear yard for a distance of 20 feet on property located at 1076 Lynch Road, Tax Map No. 040.-01-22.0.

Dated: June 12, 2018

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

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u>√</u>	_____	_____
James Virginia	<u>√</u>	_____	_____
James Ruddock	<u>√</u>	_____	_____
Roger Roman	<u>√</u>	_____	_____
James Bowes	_____	_____	_____
James Schanzenbach	<u>√</u>	_____	_____
Anthony Geiss	<u>√</u>	_____	_____

JOSEPH HANEY SPECIAL USE PERMIT SECTION 200-80 C (5) (LB)

2119 Downer Street Tax Map ID # 034-03-17.1

Mr. Joe Haney was present to address the Board.

Mr. Geiss stated you are looking for permission to put a stage for outside entertainment.

Mr. Haney stated that is correct.

Mr. Haney stated I am now asking to put the stage behind the building.

Mr. Geiss reviewed the County comments with the applicant.

Mr. Geiss asked as you look at your building from the front side there is picnic tables and chairs, are those associated with another tenant in that building?

Mr. Haney stated no that is my patio.

Mr. Geiss asked will there be a patio in the rear?

Mr. Haney stated no.

Mr. Haney stated it will be a fenced in area in the rear.

Mr. Geiss stated we have had experience with this in other areas of the Town and we did receive many complaints about the noise.

Mr. Geiss stated I am opposed to this as because it is not a permanent facility that is going to contain the noise and provide the correct structure for this.

Mr. Geiss stated you are elevating the stage and putting a metal structure with vinyl siding around it and it seems to be a temporary structure as well. Also the parking is an issue.

Resolution to follow:

**RESOLUTION NO. 1812
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Joseph Haney, on behalf of ECKO, LLC, seeks a special use permit to construct a temporary 20-foot by 20-foot stage for live music performances on property located at 2119 Downer Street, Tax Map No. 034.-03-17.1 (the "Property"), pursuant to Section 200-80(C)(5) of the Town of Van Buren Zoning Code. The Property is located in the Local Business (LB) Zoning District.

In support of his request, Applicant submitted an application, an Agricultural Data Statement, a Notification to Surrounding Property Owners of Pending Action, a Short Environmental Assessment Form ("EAF"), an altered survey prepared by Stephen Sehnert, dated

August 4, 2017, and a handwritten depiction of the improvements on the Property. In addition, Applicant appeared at the public hearing on June 12, 2018 and again on August 14, 2018, to explain why permission was sought to construct a temporary stage for live outdoor entertainment during the summer months and address the concerns of the Board. Applicant confirmed that the proposed location of the stage is below the road grade and, although the stage will face Route 690, he did acknowledge that residential properties are within the vicinity of the Property. The Board's concerns focused upon the potential impact of noise and lighting upon adjoining residential properties. To address the impact of noise upon neighboring residential properties, Applicant proposed the installation of a sound fence.

Upon review by the Onondaga County Planning Board, Case # Z-18-194, the Zoning Board of Appeals was advised to "ensure any outdoor uses will not have a negative noise impact on the nearby residential uses," citing to the site's proximity to residential properties.

Notice of the public hearing was duly published. The public hearing was held on June 12, 2018. There was no opposition to the application at the public hearing.

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. During the June 12, 2018, meeting the Board appointed itself lead agency for the uncoordinated review of this matter. The Board found that granting the requested relief will not result in any significant adverse impact upon the environment. The Board's determination is based upon the zoning of the Property and 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 construct

a temporary stage will not pose any significant impact upon the water, air, agricultural resources, or community character and growth.

2. Pursuant to Section 200-21 of the Code, upon issuance of a Special Use Permit by the Board, the proposed temporary outdoor stage for live entertainment is permitted.

3. Relative to Section 200-80(C)5 of the Zoning Code, the Board issues the following findings and determinations:

- a. Because the proposed use is allowed by Special Use Permit, the use **is** compliant with the applicable intent and regulations of the Code;
- b. Located on a parcel zoned Local Business in close proximity to residentially zoned property, the proposed stage with outdoor entertainment **is not** consistent with the long-term development objectives of such area. Furthermore, the character of the proposal **is not** compatible to existing land uses in the immediate area;
- c. The scale and design of the use, which is to be situated within the designated parking area for the commercial business located on the Property, **is** in compliance with Town requirements;
- d. The design of the site **may** create significant traffic issues, particularly with regard to access by emergency vehicles;
- e. The operation of the proposed use **is not** likely to result in off-site disturbance due to lighting effects; and
- f. Noise emissions from the site **have** the potential to be significant and **cannot** feasibly be directed away from surrounding properties.

4. A Special Use Permit allowing the construction and use of a temporary outdoor stage, measuring 20-feet by 20-feet, on property located at 2119 Downer Street, Tax Map No. 034.-03-17.1, is hereby **denied**, in accordance with Section 200-80(C)(5) of the Zoning Code.

Dated: August 14, 2018

Anthony Geiss, Chairman
Zoning Board of Appeals

Town of Van Buren

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	√	_____	_____
James Virginia	√	_____	_____
James Ruddock	√	_____	_____
Roger Roman	√	_____	_____
James Bowes	_____	_____	_____
James Schanzenbach	√	_____	_____
Anthony Geiss	√	_____	_____

JOSEPH DEMAIO SITE PLAN (LB)

7283 State Fair Blvd. Tax Map ID# 062-02-01.0

Mr. Bill Kelly was present to address the Board.
 Mr. Joseph DeMaio was present to address the Board.

Mr. Kelly stated I am speaking on behalf of my uncle Joe DeMaio as he recently had surgery and is having a hard time speaking.

Mr. Kelly stated his business that he has owned for over 30 years now on State Fair Blvd.

Mr. Kelly stated the business now which has been there for 10 years is Seneca River Trading Company they fix all appliances. He needs a cold storage building for his parts.

Mr. Kelly stated we are proposing a 70' x 44' building on the back of the existing building.

Mr. Kelly stated 90% of the deliveries are by UPS and FedEx. Trucks that are less than 20 feet, we typically only have two or three a week.

Mr. Geiss asked what is the reason for keeping the building 25 feet off of the side property line?

Mr. Kelly stated we wanted a 3000 square foot storage facility, 70 times 44 equals 3080 square feet so that's where we came up with that number.

Mr. Geiss stated we are concerned with getting the tractor trailers off the road.

Mr. Geiss asked how about moving it back 10 feet?

Mr. Kelly stated that is fine we can do that.

Motion Mr. Geiss asked the Board to entertain a motion to approve the Joseph DeMaio Site Plan at 7283 State Fair Blvd. Tax Map ID# 062-02-01.0 this is per the applicants' map dated July 27, 2018 with the following conditions that the location of the building be moved back away from Walker Blvd. to a location which would be 15 feet off the back property line the building size remaining the same. The fence along the side would be a 5 foot wooden fence extending from the existing fence to a point 15 foot off the property line of Walker Blvd. This approval will depend on the applicant submitting a new map signed and stamped by the architect showing these new dimensions. Mr. Ruddock moved to accept the motion seconded by Mr. Virginia. Motion carried unanimously.

BARRAM LLC SITE PLAN (R-40)

Crego Road Tax Map ID#034-03-05.1

Mr. Jim Stephenson and Mr. Greg Ramin were present to address the Board.

Mr. Stephenson we are looking at a total of 30,000 square feet of self-storage warehouse at 2.66 acres of land.

Mr. Stephenson stated we have provided an updated landscape plan to you also.

Mr. Geiss asked what is the phasing on this project?

Mr. Stephenson stated we will just proceed forward with the entire project.

Mr. Geiss stated you gave us an earth tone color on the building as well.

Mr. Virginia asked did the fire department look at this yet?

Mr. Pringle stated yes they are all set.

Mr. Geiss stated Mr. Hoy has the entire SWPPP.

Mr. Schanzenbach stated to the south of the property you have the vinyl fence 40 feet off building number 2 which puts it along the edge of your driveway, why not push that fence further south closer to your property line so it would give yourself a place to push snow.

Mr. Ramin stated that is a good idea as I was looking at that as well. We can do this.

Mr. Geiss stated we do have a lighting plan as well.

Mr. Geiss reviewed the County comments with the applicant.

Motion Mr. Geiss asked the Board to entertain a motion with regards to SEQR as the Board has previously taken lead agency and declared it as an unlisted action for the Barram LLC Site Plan on Crego Road Tax Map ID# 034-03-05.1. The proposal is for 6 self-storage buildings totaling 31,888 square feet with chain link fencing along the front of the site. There being access to both existing roads to the north and to the fire department on the south. There is no separate road cut on Crego Road for this facility. There is no significant adverse environmental impact with regards 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 Barram LLC Site Plan on Crego Road Tax Map ID# 034-03-05.1. This is per the applicants' map dated June 15, 2018 with revisions dated July 4, 2018 with the condition on the applicant completing the SWPPP application to the Town Engineer for his approval. Also if any large trees are removed they would have to verify that there are no bats on the property. Mr. Geiss stated there is also a fence change on the south of the property and you will submit a revised map to the Code Officer for that as well. Mr. Ruddock moved to accept the motion seconded by Mr. Virginia. Motion carried unanimously.

G & C FOODS SITE PLAN AMENDED (IND-A)

3407 Walters Road Tax Map ID# 055-03-05.1

Mr. Patrick Hill was present to address the Board.

Mr. Geiss reviewed the County comments with the applicant.

Mr. Geiss stated we have a letter from DOT stating no traffic concerns currently exist for this facility.

Mr. Hill stated I have forwarded a SWPPP plan to Mr. Hoy.

Mr. Hoy stated there are no problems with this.

Motion Mr. Geiss asked the Board to entertain a motion with regards to SEQR for G & C Foods Site Plan Amended at 3407 Walters Road Tax Map ID# 055-03-05.1. This is location along Walters Road for an expansion with this being a warehouse of 105,000 on the west side of the existing building requiring a private road and a large truck parking and loading area along the western expansion and a second expansion of 400 square feet on the east side of the building. There is total access all the way around the facility. There is no significant adverse environmental impact with regards to this proposal. Mr. Virginia moved to accept the motion seconded by Mr. Ruddock. Motion carried unanimously.

Motion Mr. Geiss asked the Board to entertain a motion to approve the G & C Site Plan Amended at 3407 Walters Road Tax Map ID# 055-03-05.1. This is per the applicants' map dated July 25, 2018 with a condition that the applicants' satisfy the Town Engineer comments regarding review of the SWPPP. Mr. Ruddock moved to accept the motion seconded by Mr. Budosh. Motion carried unanimously.

INFORMATION ONLY

OTHER BUSINESS

Mr. Geiss stated there has been a submittal for the old Rite Aid building for a Power House Gym.

Mario D'Arrigo will be coming in in September for the apartments within Marion Meadows.

ADJOURNMENT

Motion Mr. Geiss made the motion to close the meeting. Mr. Ruddock moved to accept the motion, seconded by Mr. Budosh. There was no further discussion. Motion carried unanimously. The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary