

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 7:00 p.m.

Those present joined in the Pledge Allegiance to the Flag.

Roll Call:	Mark Budosh	excused
	James Virginia	excused
	James Ruddock	present
	Roger Roman	present
	Jamie Bowes	present
	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. Roman. Motion carried unanimously.

Mr. Geiss stated I would like to recess the meeting to hold a public hearing for Jeffrey Burdick for a Variance Section 200-45 at 115 Gerald Drive Tax Map ID # 063-04-15.

Mr. Jeffrey Burdick was present to address the Board.

Mr. Burdick stated I am interested in getting a variance to enlarge the existing garage that is closer than the minimum setback on the side yard.

Mr. Burdick stated one part of this garage is three feet from the line and I would like to extend that along that line to enlarge the front of the garage wide enough to park two cars side by side.

Mr. Geiss asked if anyone would like to speak for or against this matter.
No one spoke.

Mr. Geiss closed the public hearing.
Mr. Geiss stated we are now back in regular session

JEFFREY BURDICK VARIANCE SECTION 200-45 (R-10)

115 Gerald Drive Tax Map ID# 063-04-15

Mr. Jeffrey Burdick was present to address the Board.

Mr. Burdick stated I am proposing an enlargement of an existing garage with a variance setback of three feet from the side yard.

Mr. Geiss stated I have a question for you, was the garage there when you moved in?

Mr. Burdick stated yes it was.

Mr. Geiss stated somewhere there was granted a three feet setback, before you got it.

Mr. Geiss asked when did you move in?

Mr. Burdick stated I have been there for 20 years.

Mr. Bowes stated according to your sketch your existing garage is square to your house, your sketch shows proposed enlargement and it does not look like it is square anymore.

Mr. Bowes asked are you planning on building a wall that is right along that 3 foot setback?

Mr. Burdick stated that is correct.

Mr. Bowes stated then the front of the garage will still be square to the house.

Mr. Burdick stated yes it will.

Mr. Bowes stated this is going to make for an interesting roof line.

Mr. Burdick stated the roof line proposed is going to follow the same roof line of the existing house.

Resolution to follow:

**RESOLUTION NO. 1504
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Jeffrey and Toni Burdick have applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code to enlarge an existing attached garage within the side yard setback on a parcel located at 115 Gerald Drive, Tax Map No. 063.-04-15 (the "Property"). As proposed, once the garage structure is complete the total side yard building setback will consist of 12.84 feet and the side yard setback to the north will be three (3) feet. The Property is located in the R10 Zoning District.

Under Section 200-45 of the Zoning Code, the required side yard setback distance for a principal and attached accessory structure in the R10 Zoning District is 10 feet on one side and 25 feet total. Applicants propose to enlarge the attached garage structure by 185 square feet;

such addition to extend six (6) feet beyond the front of the existing garage, for a new width of 21 feet at the front of the structure, and extending at a diagonal to the rear northwest corner of the garage structure, resulting in a side yard setback of three (3) feet along the northern boundary line for the length of the garage.

In support of the application, Applicants submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, an altered survey map, showing the Property with existing structures and the proposed addition, a photograph of the existing garage and front elevation of the proposed addition.

Applicants appeared at the public hearing to describe the proposed garage addition and the need to enlarge the existing one-car garage structure. Applicants addressed the concerns of the Board. There was no opposition to the application at the public hearing.

Based upon the submissions of Applicants and the testimony presented at the public hearing, the Board resolves as follows:

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

2. It is determined 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. Due to the configuration of the existing structure on the Property, the benefit sought by Applicants cannot be achieved by any other feasible method.

3. The proposed variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. The benefit to Applicants

outweighs any detriment to the neighborhood or community as a result of granting the variance relief and the variance requested is the minimum relief necessary to allow Applicants relief from the Town’s Zoning regulations.

4. For the reasons set forth, a variance is granted allowing an addition to an existing garage structure situated on a parcel located at 115 Gerald Drive, Tax Map No. 063.-04-15, such that the total side yard building setback will consist of 12.84 feet and the side yard setback to the north will be three (3) feet.

Dated: August 8, 2017

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

RYAN HOMES VARIANCE SECTION 200-45

Lot 77—Marion Meadows

Mr. Geiss stated are you not the owner of this property, correct?

Mr. Marty Moore stated I am not I am a representative with Ryan Homes.

Mr. Geiss stated the owner of the property has to file this application, not you.

Mr. Moore stated you mean Mr. Mario D’Arrigo and Mr. Dan Bargabos.

Mr. Geiss stated yes.

Mr. Geiss stated so we cannot do anything on this tonight.

Mrs. Nadine Bell stated also because this property is not yet a lot, the map has not yet been filed it is just premature.

FOX CREEK APARTMENTS SITE PLAN (PUD)

Village Blvd. South Tax Map ID# 031-10-04.1

Mr. Alex Wisniewski was present to address the Board.

Mr. Angelo Alberici was present to address the Board.

Mr. Wisniewski stated if you recall we have had several meetings with the Board and a couple of work sessions. We agreed at the last meeting that the layout was to a point where everyone was comfortable and it was worth starting the full engineering design.

Mr. Wisniewski stated since the last presentation of the plan we have eliminated 12 units that allowed us to go with a better more efficient site layout to move everything as much to the north as we could.

Mr. Wisniewski stated it was also suggested to look at relocating the proposed O'Brien Road driveway further to the north to again get traffic way from the residential properties.

Mr. Wisniewski stated there was some specific discussion to take a different look at how the stormwater could function. We were going to let this stream just flow through the site.

Mr. Wisniewski stated upon further review it made some sense to consider one consolidated stormwater or pond that would handle the site. The negative being is now we have 40 plus acres coming into this proposed stormwater facility.

Mr. Wisniewski stated with this plan we are able to not only control and collect the stormwater coming off of the new site, we did an analysis for the entire area. This stormwater all discharges into the existing 24 inch pipe system and this comes out to O'Brien Road and this system is already over packed.

Mr. Wisniewski stated this will actually slow down the discharge rate via the outlet structure to rates that are well less than the existing conditions.

Mr. Wisniewski stated we have it down to 75% to 80% reduction in discharge rate compared to existing conditions.

Mr. Wisniewski stated I feel you will see if this gets constructed there will be an improvement from what you have now.

Mr. Wisniewski stated for example this pipe is currently 24 inches and our discharge pipe is only going to be 18 inches so we will be able to slow down the discharge rate of the stormwater. I feel the neighbors to the south will see that as a benefit.

Mr. Wisniewski stated the neighbors also suggested that there were some mature trees very close to this existing property line and we were asked to look at ways to work around those, so now we are maintaining a 20 foot offset from this property line so if there are any mature trees within the property line those would stay.

Mr. Wisniewski stated Mr. Virginia had asked us to look at pedestrian connectivity through the site, to the Clubhouse, now we have created a series of crosswalks and sidewalks that will get the residents to the Clubhouse if they would like to walk.

Mr. Wisniewski stated there is a graphic of what the proposed monument sign would look like.

Mr. Wisniewski stated it is very similar to the Ravada Hill sign in Clay.

Mr. Wisniewski stated also in the packet is a lighting plan.

Mr. Geiss asked as far as your sign is that the colors you will be using?

Mr. Wisniewski stated yes, it is an earth tone.

Mr. Geiss stated I believe you have submitted your SWPPP to the Town Engineer, Mr. Hoy how do you stand with that?

Mr. Hoy stated I met with Mr. Wisniewski early on to make sure the concept met the needs of us and the neighborhood. I have not finished it 100%.

Mr. Geiss asked upon review should we be able to come with compliance with it?

Mr. Hoy stated yes.

Motion Mr. Geiss asked the Board to entertain a motion with regards to SEQR for Fox Creek Apartments Site Plan PUD at Village Blvd. South Tax Map ID # 031-10-04.1. The applicant has submitted final plan which is dated July 27, 2017 which shows the general layout of the facility which includes modifications to the project as we have been reviewing it over the past several months to reflex drainage improvements and also recognizing the neighbors and maintaining some existing trees for the neighbors and other modifications on the site which were brought up at the public hearing. 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.

Motion Mr. Geiss asked the Board to entertain a motion to approve the site plan for Fox Creek Apartments Village Blvd. South Tax Map ID # 031-10-04.1. This is per the site plans dated July 27, 2017, layout and landscaping plan, grading and erosion control plan, the utility plan, details and lighting information that was provided with conditions that the final Stormwater Pollution Prevention Plan is subject until completely approved by the Town Engineer. Tree removal on the site will comply with the DEC regulations concerning bats in the area which is a no activity starting somewhere around October 1st. We recognized that you have obtained DOT approval, sewer approval and also water approval on this project. The fire department connects can be visible by the fire department and this can be done once construction is complete. The applicant has submitted a monument sign for the project and they have given an example of a sign from Ravada Hill Apartments as a sign that they will use. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

FOREFRONT POWER LLC SITE PLAN

6719 Pottery Road Tax Map ID# 055-01-10.1

Mr. Tim Ahrens was present to address the Board.

Mr. Ahrens stated what you see tonight is the revised site plan for the Pottery Road solar project. Mr. Ahrens stated the last time we were here we discussed the vegetation plan, you can see that we have expanded the screening instead of just in front of the neighbor's house across the street, to down to the corner and up to the access road.

Mr. Ahrens stated we were asked to place trees approximately in the center line between the rows and we have done that as well.

Mr. Ahrens stated we also submitted an updated vegetation plan.

Mr. Ahrens stated we have not changed the variety of trees, it is still the same.

Mr. Ahrens stated on the northern part here we did go with the larger of the two evergreens which is much wider.

Mr. Schanzenbach stated I don't see the fencing in the packet, making sure we are on the same page with what we decided for the fence.

Mr. Ahrens stated 7 feet tall black fencing no barbed wire all the way through.

Mrs. Nadine Bell went over part 2 of SEQR for Forefront Power for 6719 Pottery Road and 1299 Kingdom Road.

Motion Mr. Geiss asked the Board to entertain a motion to approve Forefront Power LLC site plan at 6719 Pottery Road Tax Map ID# 055-01-10.1. This is per the plan submitted by the applicant dated January 27, 2017, C001, C002, C101 with a revision date of August 7, 2017, C102, C103, C104, C105, C201, and also the fencing referenced on C105 shall be a 7 feet high fence with no barbed wire and it shall be black. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

REBECCA WEBB SPECIAL USE PERMIT SECTION 200-24 G

7646 Maple Road Tax Map ID # 030-03-39

Ms. Rebecca Webb was present to address the Board.

Mr. Geiss reviewed County comments with the Board.

Mr. Geiss asked you are not adding any employees correct?

Ms. Webb stated no.

Mr. Geiss stated and there will be no signage.

**RESOLUTION NO. 1705
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Rebecca Webb seeks a special use permit to operate a home processing bakery business, on property located at 7646 Maple Road, Tax Map No. 030.-03-39.0 (the "Property") pursuant to Sections 200-24(G) and 200-80(5) of the Town of Van Buren Zoning Code. The Property is located in the R-40 Zoning District.

In support of her request, Applicant submitted an Application for a Special Use Permit, Agricultural Data Statement, Notification to Surrounding Property Owners of Pending Action, and Short Environmental Assessment Form (“EAF”).

Applicant appeared at the public hearing to describe the proposed use and address the concerns of the Board. Applicant indicated that the proposed bakery use would be operated from her residential structure and confirmed that the business does not have any employees.

Upon review by the Onondaga County Planning Board (“OCPB”), Case # Z-17-242, it has been determined that the proposal will have no significant adverse inter-community or county-wide implications, and the OCPB offered the following comments:

- (1) Septic System Approval – any existing or proposed septic systems to service the Property must be formally accepted or approved, respectively, by the Onondaga County Health Department.

Notice of the public hearing was duly published. The public hearing was held on June 13, 2017. 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. The Board hereby appoints itself lead agency for the uncoordinated review of this matter. The Board finds that granting the requested relief to allow the Special Use Permit will have no potential adverse environmental impacts, particularly with respect to water, drainage, air quality, soils or other matters of environmental significance.

2. Section 200-24(G) of the Town of Van Buren Zoning Code specifically contemplates permitting a home occupation use on the Property upon issuance of a special use permit.

3. The Board hereby determines that:
 - a. As proposed, the use is allowed by special use permit. The use is in compliance with the applicable intent and regulations of the Code;
 - b. The proposed use is located on a residential 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 to existing land uses in the immediate area;
 - 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 significant traffic issues or pedestrian movement concerns within the site in relation to the street serving the site;
 - e. The use is designed and shall be operated in a manner that minimizes off site disturbance of natural and cultural resources;
 - f. Aesthetically, the use is consistent with existing development and aesthetic standards developed by the Town.
 - g. The emissions of any noise, smoke, heat or odor from the use is within the limits established by the Town.
 - h. The physical characteristics, topography and features of the lot and the design of the existing building to be occupied by the use are suitable and adaptable for the use.
 - i. The nature and intensity of operations will not be more objectionable to surrounding properties than those of an expressly permitted use in the district;
 - j. The use and the design of the building and site facilities for the use are appropriate and does harmonize with surrounding uses and does mitigate any adverse impacts on surrounding uses; and
 - k. The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.

4. The Special Use Permit is hereby granted, in accordance with Section 200-24(G) of the Zoning Code, subject to the following conditions, so as to allow for a home occupation use, consisting of a bakery, to be conducted on the Property:

- a. Employment or participation of occupants of the residence cannot exceed two (2) adult persons, one of whom must reside on the Property.

- b. No signage, except a properly permitted identification sign, is allowed.
- c. There may not be any variation in the residential character of the Property.
- d. There may be no on-site parking of more than one commercial vehicle associated with the home occupation, unless housed in a residential garage.
- e. The home occupation may not create any hazard to neighboring persons or property.
- f. The gross floor area of the home occupation, regardless of location upon the Property, shall not exceed 25% of the first floor area of the principal structure or a cumulative total of 500 square feet, whichever is less.

Dated: July 11, 2017

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

Roll Call Vote:

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

ANTHONY CRISAFULLI SITE PLAN

6945 Winchell Road Tax Map ID # 055-03-02.1,03.0 & 04.2

Mrs. Terry Horst was present to address the Board.

Mrs. Horst stated in 2011 there was three properties involved.

Mrs. Horst stated since 2011 site plan he did move in and is conducting his business out of this facility but he has not done much improvement.

Mrs. Horst stated he still wants to do all the improvements from the 2011 site plan and those are showed on this plan as well.

Mr. Geiss asked are these properties all combined now?

Mrs. Horst stated no they are currently separate but he does want to combine them.

Mr. Geiss stated he is operating on the center property but he is in nonconforming with the Towns requirements.

Mr. Geiss asked does he intend to clean the site up?

Mrs. Horst stated he is aware that he has vehicles that are not registered he will remove any non-registered vehicles from the site.

Mr. Geiss stated the future carport, it is 26 feet off the street line not the property line.

Mr. Geiss stated I believe you need to be 50 feet off.

Mrs. Horst stated I believe part of the approval was a variance for that setback.

Mr. Geiss asked Mr. Pringle did the Zoning Board ever grant a variance?

Mr. Pringle stated I do not believe so.

Mr. Pringle stated how much was done from the 2011 site plan?

Mrs. Horst stated he did most of the grading and is using the area and the building.

Mr. Pringle stated I take that as nothing was done.

Mrs. Horst stated right.

Mr. Geiss stated because of the setback I am confused on where the fence is.

Mr. Geiss stated I looked at the tire storage, where is he storing them from, is he selling tires?

Mrs. Horst stated he is not selling tires it is tires from the demolition of locations.

Mr. Geiss asked will he be putting the tires on racks or is he just creating a pile of tires?

Mrs. Horst stated the intent is to have it covered and piled up, it will be stacked.

Mrs. Horst stated I will check my file to see if I have the variance.

Mr. Geiss stated yes if you have a copy we will need to see it.

Mr. Geiss stated you need to illuminate the confusion with the property lines on this map.

Mr. Geiss stated we need the layout plan to show the property lines and then we can look at the setbacks.

Mr. Geiss stated we will need drainage for the whole site as well.

Mr. Geiss referenced back to previous minutes stating the carport shown on the map would require a variance and that they would apply for a variance once they had building plans drawn up. It does not look like any variance was applied for.

Mr. Geiss stated we need a new set of maps to move this project forward.

INFORMATION ONLY

OTHER BUSINESS

Mr. Geiss stated we had discussions about the River Mall. I would like to see the old Rite Aid be occupied.

Mr. Geiss stated other than a restaurant does anyone have any other ideas.

Mr. Geiss stated the bounce house is empty as well.

ADJOURNMENT

Motion Mr. Geiss made the motion to close the meeting. Mr. Schanzenbach moved to accept the motion, seconded by Mr. Ruddock. There was no further discussion. Motion carried unanimously. The meeting was adjourned at 9:55 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary