

The February 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	excused
	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 January meeting minutes for Zoning/Planning Board upon correction.

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 call a public hearing for Fastrac Markets amendment to a variance at 2232 Downer Street Road Tax Map ID# 33.1-04-03.0.

Mr. Geiss waived the reading of the public notice.

Mr. Geiss asked if anyone was present to address the Board.

Mr. Brett Hughes was present to address the Board.

Mr. Hughes stated we are here seeking an amendment to a previously granted variance to allow a digital free standing sign to allow the screen to change once every 60 seconds.

Mr. Hughes stated we are currently allowed to change the sign once every hour, the reason we are seeking this change is for us to be able to promote our in store products and offerings in addition to our fuel pricing.

Mr. Hughes stated realistically any pedestrian sitting in their vehicle will only see that sign change once as it is.

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 into regular session.

FASTRAC MARKETS AMENDMENT TO VARIANCE SECTION 200-55 C

2232 Downer Street Road Tax Map ID # 33.1-04-03.0

Mr. Brett Hughes was present to address the Board.

Mr. Geiss stated we have looked at what else we have done in the town and the oldest one being Walgreens which is right across the street from you and that sign is one change per hour.

Mr. Geiss stated the other is the Subway Shop down the street which is one change not to exceed every 15 minutes and The Bikery on Van Buren Road which is one change within 15 minutes.

Mr. Geiss stated I am in favor of the every 15 minutes, does the Board have any other comments?

Mr. Virginia stated I did some research and Chester, New York changes every 8 seconds, Putnam, New York changes every 30 seconds, a couple of cities in Maryland change once a minute.

Mr. Virginia stated it seems like a lot to the towns are allowing changes anywhere between 8 seconds to 5 minutes.

Mr. Bowes stated I drive through the intersection twice a day and I agree that people generally clear that within less than a minutes.

Mr. Bowes stated I think as far as the frequency of the change I don't think a minute sounds that unreasonable. I would not want to go any less than that.

Mr. Hughes stated in my opinion one change every 60 seconds would not be a distraction that would result in traffic accidents.

Mr. Hughes stated I would like the Board to consider that, once every 15 minutes may sound like it will work for them but it might as well be once an hour.

Resolution to follow:

**RESOLUTION NO. 1601
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Fastrac Markets seeks to amend its previously approved variance from Section 200-55(C) of the Town of Van Buren Zoning Code related to the proposed digital signage for convenience store facility with drive thru service and a vehicle fueling island located at 2233 Downer Street (Tax Map No. 033.1-04-03.0). Applicant has applied for amended approval to allow a digital free-standing sign with an LED screen that changes the display every 60 seconds. The Property is located in the Local Business (LB) Zoning District.

Section 200-55(C) of the Zoning Code currently prohibits signs that flash, blink, or otherwise attract attention through the movement of flashing of parts, including automatic electronically controlled copy changes or the impression of movement or flashing. By Resolution dated November 16, 2015, Applicant obtained approval to maintain a digital free-standing sign with an LED screen on the Property subject to a condition that the message display on the digital sign be limited to one change per hour, so as to be consistent with neighboring properties.

In support of the application, Applicant submitted an Application for Amendment to Previous Variance Agricultural Data Statement, dated January 28, 2016, and Short Environmental Assessment Form, dated January 28, 2016. Brett Hughes appeared before the Board on behalf of the Applicant on February 9, 2016, offering the Board an explanation for the requested amendment and addressing the Board's concerns. During the course of the public hearing, the Zoning Board of Appeals noted that the Land Use Committee, on behalf of the Town of Van Buren, is in the process of reviewing and updating the Town's Zoning Code and anticipates recommending to the Town Board that Section 200-55(C) be amended to allow digital signage with LED screens to change their display once every 15 minutes. There was no opposition to the application at the public hearing.

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

1. That the Board hereby ratifies, reaffirms and re-adopts the SEQRA findings and Negative Declaration rendered on November 16, 2015, finding that the proposed amendment would not change or alter those findings and determinations.

2. With regard to the requested amendment from the variance obtained from Section 200-55(C), it is determined that the requested relief **will not** alter the essential character of the neighborhood. As previously determined, the surrounding neighborhood is commercial in nature and consists of parcels with digital signs with LED screens that are similar to that which is proposed. Because digital signage with LED screens that change the display with greater frequency than one per hour has become the industry standard for convenience store facilities with vehicle fueling stations, the alleged hardship **has not** been self-created. It is recognized that the alleged hardship **does** apply to a substantial portion of the district or neighborhood.

3. It is determined the requested variance seeking to increase the number of display changes on the proposed signage **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Due to the nature of the convenience store facility with vehicle fueling station use, the benefit sought by Applicant **can/cannot** be achieved by any other feasible method. The benefit to Applicant **outweighs** any detriment to the neighborhood or community as a result of granting the requested amendment and the amendment requested **is** the minimum relief necessary to allow Applicant relief from the Town's Zoning regulations.

4. The Board does hereby ratify and reaffirm its prior Resolutions, dated November 16, 2015 and December 21, 2015, and incorporate each and every other approval and condition,

as amended, set forth in such Resolutions.

5. For the reasons set forth, variance relief from Section 200-55(C) is hereby amended to allow for the convenience store facility with drive thru service and a vehicle fueling island located at 2233 Downer Street (Tax Map No. 033.1-04-03.0) to have a digital free-standing sign with an LED screen subject to a condition that the message displayed on such digital sign be limited to one change every 15 minutes.

Dated: February 9, 2016

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

Roll Call Vote:

	Aye	Nay	Other
Joe Kiselica	_____	_____	_____
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>	_____	_____

WALTER STRACHE SPECIAL USE PERMIT SECTION 200-30

7550 State Fair Blvd. Tax Map ID# 031-11-1.3

Mr. Walter Strache was present to address the Board.

Mr. Geiss stated you submitted a packet including a map stating work area. What is going to go on in the work area?

Mr. Strache stated typically just screening done there.

Mr. Geiss stated so there will be no fill done in that area correct?

Mr. Strache stated correct.

Mr. Geiss stated the ZBA Resolution which was passed in December had many other conditions which was erosion control, DEC approval is required and when he is looking to do fill he will need to level the area.

Mr. Geiss stated our part tonight is we are looking at the mapping and approve the area to do the work with the fill and the screening that is not a fill area it will be just a work area and that is right off of State Fair Blvd., that is our purpose tonight.

Mr. Bowes so what that means is that work area will return back to its original state once the grading and screening is all done.

Mr. Strache stated yes that is correct.

Mr. Ruddock asked if there was as time frame on this?

Mr. Strache stated I am doing this myself and I was granted a year with extensions but I will try to get this all done this year.

Motion Mr. Geiss asked the Board to entertain a motion to with regard to Walter Strache Special Use Permit section 200-30 for 7550 State Fair Blvd. Tax Map ID # 031-11-1.3 this is approval of the delineation of the work area and the purposes of screening material for future leveling of property, this is work to be done on the property it is not for commercial sale at all. Mr. Geiss stated per applicants drawing date February 9, 2016 presentation. Mr. Ruddock moved to accept the motion seconded by Mr. Virginia. Motion carried unanimously.

Mr. Geiss stated I would like to recess the meeting to call a public hearing for Carolyn Rice Subdivision at 7698 Morgan Road Tax Map ID# 030-03-50.0.

Mr. Geiss asked is anyone was present to address the Board.

Mr. Michael Rice was present to address the Board.

Mr. Rice stated we are requesting a subdivision of the property.

Mr. Rice stated we would like to build a house on the new property with minimal impact to the surrounding properties.

Mr. Rice stated our intent is to keep the wooded area as much as possible with just taking trees down to build the house.

Mr. Rice stated currently it is fenced in for the horse and we do intend to keep the horse on the property.

Mr. Geiss stated you are basically forming one lot around the existing structures that are there.

Mr. Geiss stated I have your pole barn which is 1.03 acres and the new lot is going to be 4.43 acres in an R-20 zone.

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 into regular session.

CAROLYN RICE SUBDIVISION

7698 Morgan Road Tax Map ID# 03-03-50.0

Mr. Michael Rice was present to address the Board.

Mr. Geiss stated you will need to obtain a driveway cut from the Town so we will need a letter from the Town Highway Superintendent.

Mr. Geiss stated I would like you to label these lots number 1 and number 2 because you will need to file this map that way everyone will know what we are talking about.

Mr. Geiss stated it is my understanding that you are on a septic system on this parcel, where is this on this parcel?

Mr. Rice stated it is behind the house, would you like that noted on the survey?

Mr. Geiss stated yes.

Motion Mr. Geiss asked the Board to entertain a motion to declare the Town of Van Buren Planning Board as lead agency single agency uncoordinated review for the unlisted action under SEQR for the Carolyn Rice Subdivision at 7698 Morgan Road Tax Map ID# 03-30-50.0. Mr. Geiss stated there will be a fee of \$150 since they are creating a residential lot. 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 refer the Carolyn Rice Subdivision to Onondaga County Planning for their review. Mr. Virginia moved to accept the motion seconded by Mr. Ruddock. Motion carried unanimously.

INFORMATION ONLY

OTHER BUSINESS

ADJOURNMENT

Motion Mr. Geiss made the motion to close the meeting. Mr. Ruddock moved to accept the motion, seconded by Mr. Schanzenbach. There was no further discussion. Motion carried unanimously. The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary