

The July 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	present
	James Virginia	present
	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 June meeting minutes for Zoning/Planning Board upon correction. Mr. Ruddock moved to accept the motion, seconded by Mr. Roman. Motion carried unanimously.

FOX CREEK APARTMENTS SITE PLAN (PUD)

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

Mr. Geiss stated we have no new information therefore we will table this until next month.

FOREFRONT POWER LLC SITE PLAN

1299 Kingdom Road Tax Map ID# 038-01-21.0

Mr. Tim Ahrens was present to address the Board.

Mr. Geiss asked Mr. Jason Hoy if he had received the Stormwater?

Mr. Hoy stated yes he hadn't gone through all of it but did not see any problems so far.

Mr. Geiss stated we did receive a new drawing.

Mr. Ahrens stated correct, the one comment that was brought up by the County, the screening along Kingdom Road.

Mr. Ahrens stated we had discussed some sort of Evergreen trees that would run along the Road.

We have proposed two types here of an Evergreen shrub, the one is a Wichita Blue and the other is a Juniper, Blue Point Ginisus. They will grow to about 8 to 10 feet.

Mr. Ahrens stated we will still be using the existing Road cut that was there.

Mr. Schanzenbach stated I thought we discussed about screening along the whole frontage.

Mr. Ahrens stated from the meeting that night it was to put screening between the access Road and the Kingdom Road and we covered the width of the site in the front.

Mr. Schanzenbach stated I thought we had talked about screening along the front spaced out more where it was set back but tighter where the access Road was.

Mr. Geiss asked how would screening all along the fence line be with you?

Mr. Ahrens stated I would have to look at the setbacks, or if we can plant within that setback.

Mr. Geiss asked Mr. David Pringle if there would be a problem planting within the setback?

Mr. Pringle stated no.

Mr. Geiss stated I would like to see plantings every 5 feet with alternate rows.

Motion Mr. Geiss asked the Board to entertain a motion regarding SEQR for the Forefront Power LLC Site Plan for 1299 Kingdom Road Tax Map ID# 038-01-21.0. The Board is previously had a negative finding of no significant interference with regard to the application for a Special Use Permit and would like to ratify and reaffirm that findings. Mr. Ruddock moved to accept the motion seconded by Mr. Roman. Motion carried unanimously.

Motion Mr. Geiss asked the Board to entertain a motion to approve Forefront Power LLC Site Plan at 1299 Kingdom Road Tax Map ID# 038-01-21.0. This is per the latest map which is dated May 17, 2017 with revisions of July 11, 2017 with the following conditions that the applicant will revise the drawing to show additional plantings along the west and north side of the fencing to the edge of where the solar panels are. There will be two rows of tress each row being planted ten foot on center. Secondly this approval is subject to the drainage plan, SWPPP being approved by the Town Engineer. The previous tree planting will also be submitted to the Town Engineer for approval. The plantings will be Wichita Blue and the Juniper, Blue Point Ginisus. This will be a stamped drawing. Mr. Ruddock moved to accept the motion seconded by Mr. Budosh. 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 each of you have a copy of the map but it does not have the screening on it.

Mr. Ahrens stated we went back after last meeting and took into consideration some of the comments from the public and the Planning Board as well.

Mr. Ahrens stated we did what we could do as far as pushing the site further back off the Road an additional 40 feet. The reason we stop as you can see the contours as they tighten up and that is an uphill slope.

Mr. Ahrens stated the access Road, Mr. Robert Pitcher's house was right here and the access Road was here, we have moved it up the Road as close as we can to Herman Road.

Mr. Ahrens stated we have put in the screening, the same Evergreen species that we referenced before with Kingdom Road.

Mr. Ahrens stated what we have proposed is a hedgerow in the front section so that you are coming up the Road it is shielding that first part.

Mr. Ahrens stated we have added five trees and the best way to explain them is they are a sprawling type tree and they begin to fill in.

Mr. Geiss stated I believe we have the same question as with the other as with screening along the Road the entire way.

Mr. Schanzenbach stated I believe we were talking about screening along all of Pottery Road at the last meeting.

Mr. Ahrens stated my take from the meeting was screening along Herman Road and addressing it and looking at it from the South and then to come back with a proposal for Pottery Road.

Mr. Ahrens stated to screen that entire length in an Industrial zoned area it really begins to not look well, you will now have a very long row of trees.

Mr. Ahrens stated we really tried to address the long term view of this site.

Mr. Schanzenbach stated the minimum for me between now and next meeting and drive it and look at it myself and see what you are proposing, it was not exactly what I had in my head coming into this meeting.

Mr. Geiss stated I do hear your comment that it would be a long way but this is Industrial with adjacent residential and again I don't feel it is unusual to see this and put them all along there.

Mr. Ruddock stated in my mind I could see if you had double rows spaced 20 feet apart and have a tree every 10 feet as opposed to a tree every 5 feet.

Mr. Geiss stated I could agree to that.

Mr. Virginia stated I feel you need to take the plantings down to at least the access Road.

Mr. Virginia stated I would prefer to see a denser amount of trees to the access Road.

Mr. Geiss stated to summarize what we have discussed we are looking at moving the screening out to the setback line, away from the fence line. Also to screen up to the access Road and between the access Road and Herman Road, also have trees southeast portion we would have screening trees spaced as 20 foot on center.

Mr. Schanzenbach asked what is the fence going to be?

Mr. Ahrens stated it was proposed as galvanized black chain link 6 feet tall with one foot of barbed wire.

Mr. Robert Pitcher asked is that necessary to have the barbed wire?

Mr. Ahrens stated we need to be at 7 foot, how we get to 7 foot is open for discussion.

Mr. Ahrens stated we can just go with a straight 7 feet height without the barbed wire and it will be up to code.

Mr. Geiss asked what is the status of the drainage review?

Mr. Hoy stated I have reviewed the SWPPP and it conforms to the DEC regulations, I have some minor comments that I will send out to Tetra Tech.

Motion Mr. Geiss asked the Board to entertain a motion with regards to several environmental issues being raised primarily on animals, glare, long eared bat. The applicant has submitted documentation along the way. The deer are not a problem. The Board and the applicant have looked into the long eared bat, this project is not impacting the woods and it is not

impacting the bat therefore there is not interference with the bats. They also did a glare study and looked at the aviation. The other was lake effect for birds and this is in much northern climates. The other item was the fire department and they will provide onsite training as needed. This is a Type I action as Forefront Power, LLC has applied for site plan approval to locate a ground-mounted photovoltaic (PV) solar energy generating facility on property zoned Industrial A, situated at 6719 Pottery Road in the Town of Van Buren. As proposed, the solar facility will be situated on 10 acres of a larger 28.35-acre parcel. The PV panels will be placed on a racking system either pile-driven into or screw-mounted onto the ground surface. The solar panels will be directly interconnected to, and provide energy into, National Grid's local electric distribution grid via either underground or overhead electrical service.

1. With regard to listed threatened and endangered species, Tetra Tech, on behalf of the applicant, consulted with the New York State Natural Heritage Program (NYNHP). NYNHP, by correspondence dated June 9, 2017, responded that the following endangered species have been documented within two (2) miles of the Site: Indiana Bat (Maternity Colony) and Indiana Bat (Bachelor Colony). No threatened species were identified. Because adverse impacts to the Indiana Bat may be associated with tree clearing activities, the United States Fish and Wildlife Service (USFWS) recommends that clear-cutting, and similar harvest methods that cut most or essentially all trees from an area within a $\frac{1}{4}$ mile of known, occupied roost trees, should not occur between April 1 and October 31. Minimal tree cutting (less than one acre) must not occur when pups are present between June 1 and July 31. Applicant has indicated that no clear-cutting or tree harvesting activities are proposed. As a consequence, no potential impacts to the northern long-eared bats are anticipated.
2. Residents expressed concern over the impact the proposed solar facility will have upon the White-Tailed Deer. The White-Tailed Deer is not considered to be a threatened or endangered species in New York State. To the contrary, New York State has historically struggled with the overgrowth of deer populations resulting in adverse impacts to other plant and animal species, conflicts with land-use practices, and human health. Because of their broad geographic distribution and adaptability to suburban and urban landscapes, deer are not easily effected or relocated by human activity or development. No adverse impacts upon the White-Tail Deer population are anticipated.
3. The Federal Aviation Administration (FAA) developed the *Technical Guidance for Evaluating Selected Solar Technologies on Airports* in 2010. The FAA has opined that “[s]olar PV tends to be the technology that provides the best opportunity for airports today. Based on available information, solar PV is more compatible with airport land use because it:
 - Has a low profile and modular design, which is compatible with low-demand airport property such as rooftops and airfields;
 - Is designed to absorb sunlight (rather than reflect it), minimizing potential impacts of glare; [and]
 - Doesn't attract wildlife, which is a critical aviation hazard.”

In accordance with FAA Guidance recommendations that a site-specific glare analysis be performed using the Sandia Laboratories Solar Glare Hazard Analysis Tool (SGHAT),

applicant used the SGHAT to evaluate the potential for glare at several locations on Pottery Road and Herman Road and concluded that there exists little to no potential for glare. See correspondence from Jodi Hunt, Project Manager/ Geologist for Tetra Tech, dated June 28, 2017, Attachment B.

4. Applicant will coordinate with local emergency service providers and will invite such providers to visit the Site. Equipment specifications will be provided to emergency responders.
5. The proposed solar facility is a 2 MW project located in a partially forested and vegetated rural area of New York State. It has been documented that the “lake effect,” which is created by polarized light produced by PV solar facilities, is more common in arid climates. The National Fish and Wildlife Forensics Laboratory (NFWSL) performed the “Desert Sunlight Project Studies” to analyze the impact of solar arrays on bird migration, commonly known as “Lake Effect Ornithology.” Using the findings of Desert Sunlight Studies’ performed by the NFWFL, it can be estimated that approximately 0.035 birds per MW are killed due to collision with solar arrays. Using this calculation, and without taking into consideration any of the significant environmental differences between the Desert Sunlight location and the Site, the potential mortality rate for birds is less than one per year (0.035 birds per MW*2MW=0.07 total bird deaths). Accordingly, no to small adverse impacts upon the bird population are anticipated. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

Mr. Virginia stated I would like to see line of site 120 degrees total.

Mr. Ahrens stated we will do that.

REBECCA WELL SPECIAL USE PERMIT SECTION 200-24 G

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

Mr. Geiss stated no one was present to address the Board therefore we will table this until next month.

Mr. Geiss stated I would like to recess the meeting to hold a public hearing for Fastrac Markets at 2232 Dower Street Tax Map ID # 033.1-04-03.0.

No one was present to address the Board.

Mr. Geiss closed the public hearing.

Mr. Geiss stated we are now back in regular session

FASTRAC MARKETS PROJECT REVIEW/OUTDOOR DISPLAY (LB)

2232 Downer Street Tax Map ID# 033.1-04-03.0

Mr. Geiss stated there is no one present to address the Board.

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 applicant to have outdoor display in a Local Business District. The applicant is Fastrac Markets project review/Outdoor display at 2232 Downer Street Tax Map ID # 033.1-04-03.0. The applicant is looking to do outdoor display for products that are not associated with its business and looking to display the mulch in the parking lot. There is no 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 for Fastrac Markets Project Review/ Outdoor display in a Local Business district at 2232 Downer Street Tax Map ID # 033.1-04-03.0. This application is denied for the reason of under the terms of the Code of the Town of Van Buren Section 200-21 outdoor display with the products must relate to the permitted principle use for this property. Mulch does not relate to this principle business use. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

WEIGAND PROPERTY SUBDIVISION

West Side of Canton Street Tax Map ID# 50-04-21.2

Mr. Steve Sehnert was present to address the Board.

Mr. Geiss reviewed County comments with the Board.

Mr. Sehnert stated the plan you have before you show the entire Weigand Property including the lot 1 which we intend to cut out of it.

Mr. Sehnert stated we have gone a little overboard here and shown a lot of additional information that is not necessary for a simple minor subdivision.

Mr. Sehnert stated the desire is to take lot 1, we have taken perk test on the lot.

Mr. Sehnert in regards to the driveways, we have shown on the northeast corner the proposed driveway and I have a copy of the permit from the Onondaga County DOT.

Mr. Geiss stated this permit is for lot 1, correct?

Mr. Sehnert stated that is correct.

Motion Mr. Geiss asked the Board to entertain a motion with regard to SEQR for the Weigand Property Subdivision in an AR-80 District at West side of Canton Street Tax Map ID# 50-04-21.2. This is a subdivision of an 8.3 acres lot which is measured from the center line of the Road off existing lands with the remaining lands being 76 acres. There is no adverse environmental impact with regards to this proposal. Mr. Ruddock 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 Weigand Property Subdivision at West side of Canton Street Tax Map ID# 50-04-21.2. This is per the applicant

map dated July 7, 2017 with the condition that the drawing will not be signed off on until the applicant's surveyor stamps and signs the drawing. Mr. Ruddock moved to accept the motion seconded by Mr. Budosh. Motion carried unanimously.

G & C FOODS SITE PLAN

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

Mr. Patrick Hill and Jim Basile were present to address the Board.

Mr. Geiss reviewed County comments with the Board.

Mr. Hill stated in regards to the sewer comments, there will be no increase so there is no issue with that.

Mr. Hill stated we did correspond with DOT and the Thruway Authority and neither of them had any request for modifications.

Mr. Geiss reviewed the letter to Bergmann Associates from Onondaga County Transportation.

Mr. Geiss asked is there a lighting plan?

Mr. Hill stated there was one sheet included as a separate sheet. It was included in the submittal but only one of them. We replaced a couple of years ago, the whole entire outside lighting.

Mr. Geiss asked how about drainage?

Mr. Hoy stated I have not yet.

Mr. Geiss asked how are we with the fire department?

Mr. Pringle stated they are all set.

Motion Mr. Geiss asked the Board to entertain a motion for G & C Foods Site Plan at 3407 Walters Road Tax Map ID # 055-03-05.1. This is for site plan to add approximately 70,000 square feet of storage space to this building. There is no increase in sewer for this building. The building will comply with SWPPP for drainage. The lighting for this building will be energy efficient. There is no new Road access. There is no adverse environmental impact with regard to this proposal. Mr. Ruddock 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 G & C Foods Site Plan at 3407 Walters Road Tax Map ID# 055-03-05.1 per the map dated June 29, 2017 and a lighting plan dated June 15, 2017. The applicant has complied with DOT and Water Environment Protection as well as the Thruway. The remaining item that needs to be complied with is the drainage report, SWPPP. This will be conditioned on the Town Engineer approving. Any new lighting will conform with the energy requirements. Currently there are two parcels involved in this expansion and these must be combined as part of this project. The combined deed should be filed and a copy be submitted to the Town Attorney. Mr. Geiss stated we will need a signed and stamped drawing by the end of the week. Mr. Ruddock moved to accept the motion seconded by Mr. Virginia. Motion carried unanimously.

DOWNER STREET SUBDIVISION

2098 Downer Street Road Tax Map ID # 033-03-14.0

Mr. Joe Kiselica was present to address the Board.

Mr. Geiss reviewed County comments with the Board.

Mr. Kiselica stated this is a new drawing, it is exactly the same as last time but we put in a driveway cut into lot number 2 and a driveway cut into lot number 1.

Mr. Kiselica stated those are residential driveway cuts and I do agree with the County, if I was to develop this I would definitely come off of my driveway.

Mr. Geiss stated for lot number 2 you were going to get us a septic plan and perk test.

Mr. Kiselica stated it is not really possible only because if I were doing a three bedroom ranch there it would be one size septic tank, if I were to do a five bedroom colonial it would be different septic tank. I would say it is contingent on what is going to be built there.

Mr. Schanzenbach stated I had asked Mr. Steve Sehnert this and he said he could chart it.

Mr. Kiselica stated I am actually trying to sell off lot 3 so if there is a way we can do that tonight I would be glad to do that.

Mr. Geiss stated I would be will to condition this on the applicant providing the Town Engineer with a perk test on this property.

Motion Mr. Geiss asked the Board to entertain a motion with regard to SEQR for Downer Street Subdivision at 2098 Downer Street Road Tax Map ID # 033-03-14.0. This is a subdivision of this property into 3 lots with lot 1 being 22.41 acres, lot 2 being 1.43 acres and lot 3 being 1.56 acres. The applicant has obtained from DOT that the driveway access with existing lot 3 and the access to lot 1 and 2 appears to be appropriate based on the letter from DOT. There is no 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 subdivision for Downer Street Subdivision at 2098 Downer Street Tax Map ID# 033-03-14.0. This is on the applicant's map date June 2, 2017 with revision dated June 19, 2017 which show the proposed driveways. This action is conditioned upon the applicant performing perk test on lot number 2 and submitting this to the Town Engineer for approval. There will be park fees of \$150 with regard to this. Mr. Ruddock moved to accept this motion seconded by Mr. Budosh. Motion carried unanimously.

WHEREAS Town Code Section 175-5 (C) establishes the criteria for the reservation of parkland on residential subdivision plats or the imposition of a sum of money in lieu thereof; and

WHEREAS, the purpose of such a provision is to prevent deterioration in the quality of park and recreational services to residents in the Town of Van Buren as a result of a new residential development; and

WHEREAS, based on the present and anticipated future needs for park and recreational facilities in the Town relative to the projected population growth in the Town to which the Downer Street subdivision will contribute, a proper case exists for requiring that a park or parks be suitably located for playground or other recreational purposes within the Town; and

WHEREAS, a suitable park or parks of adequate size to meet the Town's requirements can not be properly located within the Downer Street subdivision, nor is there a need for such additional facilities in the immediate neighborhood,

NOW, THEREFORE, BE IT RESOLVED that a proper case exists regarding the Downer Street Subdivision development for requiring the developer pay a park fee of \$150 per lot.

INFORMATION ONLY

OTHER BUSINESS

ADJOURNMENT

Motion Mr. Geiss made the motion to close the meeting. Mr. Budosh moved to accept the motion, seconded by Mr. Ruddock. There was no further discussion. Motion carried unanimously. The meeting was adjourned at 9:35 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary