

The June 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 May meeting minutes for Zoning/Planning Board as written.

Mr. Virginia moved to accept the motion, seconded by Mr. Schanzenbach. Motion carried unanimously.

SENECA GOLF COURSE VARIANCE

7340 Route 48 Tax Map ID # 64-04-07

Motion Mr. Geiss asked the Board to entertain a motion with regard to Seneca Golf Course variance 7340 Route 48 Tax Map ID # 64-04-07. The Zoning Board of Appeals took lead agency at the last meeting concerning the variance regarding the property along Van Ness Road which they were proposing to subdivide off. The property required a variance for width, depth, front, side and rear yard dimensions. The building is an existing building. There is no adverse environmental impact with regard to this proposal.

Mr. Schanzenbach moved to accept the motion seconded by Mr. Ruddock. Motion carried unanimously.

Mr. Geiss stated I would like to recess the meeting to call a public hearing for Seneca Golf Course for a variance at 7340 Route 48 Tax Map ID # 64-04-07.

Mr. Geiss waived the reading of the public notice.
Mr. Steve Sehnert was present to address the Board.

Mr. Bill Tsetseranas, representative from Seneca Golf Course was present to address the Board.

Mr. Sehnert stated we are talking about an area on Route 48 known as the Seneca Golf Course which runs from Route 48 back to the Seneca River.

Mr. Sehnert stated on this property there are two residence one on the Route 48 portion of the property labeled lot 1 and another residence down at the end of Van Ness Road South portion. Mr. Sehnert stated lot 2 has an existing frame house.

Mr. Geiss asked if anyone would like to speak for or against this matter.
Mr. Tsetseranas spoke in favor of the variance.
No one else spoke.

Mr. Geiss closed the public hearing.

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

SENECA GOLF COURSE VARIANCE

7340 Route 48 Tax Map ID # 64-04-07

Mr. Geiss reviewed County comments with the applicant.

Mr. Steve Sehnert was present to address the Board.

Mr. Geiss stated the setbacks along Van Ness Road, for lot number 1 meet the requirements.
Mr. Geiss stated along Van Ness Road there is a total of 435 feet and the depth of 115.97 feet at its widest point.
Mr. Geiss asked if the Board had any other comments.
No comments were made.

Resolution to follow:

**RESOLUTION NO. 1603
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Seneca Golf Course seeks variance relief from Section 200-45 of the Town of Van Buren Zoning Code relating to the proposed front, side and rear yard setbacks and lot depth for an existing residential structure situated on proposed Lot 2 of a proposed subdivision of property

known as Tax Map No. 64.-03-07. Applicant has applied for subdivision approval to divide two (2) parcels with existing single-family structures from a 92 acre golf course lot. As proposed, once the subdivision is approved the front yard building setback will be 36.8 feet, the side yard setback will be 6.2 feet, the rear yard setback will be 35 feet and the lot depth will be 115.97 feet. The Property is located in the R40 Residence Zoning District.

Under Section 200-45 of the Zoning Code, the required front yard setback distance for a principal and attached accessory structure in the R40 Zoning District is 50 feet. The side yard setback line for a principal and attached accessory residential structure in the R40 Zoning District is 50 feet total, or 20 feet on one side, and the rear yard setback is 50 feet. The required lot depth is 200 feet.

In support of the application, Applicant submitted a Subdivision Application, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form and a Final Plan prepared by J. Stephen Sehnert, L.S., dated March 31, 2016, showing the Property with existing structures.

Notice of the public hearing was duly published. The public hearing was held on June 14, 2016. Mr. Stephen Sehnert appeared at the public hearing to describe the proposal and address the concerns of the Board. There was no opposition to the application at the public hearing.

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

1. This matter is a Type II action 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 character of the neighborhood and will not be a detriment to nearby properties. Due to the existing configuration of the residential structure and driveway, as well as the topography of the Property, the benefit sought by Applicant 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 Applicant 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 Applicant relief of the Town's Zoning regulations.

4. For the reasons set forth, the requested variance relief is granted to allow for the subdivision of property known as Tax Map No. 64.-03-07, resulting in the creation of proposed Lot 2 with an approved front yard building setback of 36.8 feet, a side yard setback of 6.2 feet, a rear yard setback of 35 feet, and a lot depth of 115.97 feet for an existing single-family residence.

Dated: June 14, 2016

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

Roll Call Vote:

| | Aye | Nay | Other |
|--------------------|----------|-------|--------------------|
| Joe Kiselica | _____ | _____ | <u>x (excused)</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> | _____ | _____ |

Mr. Geiss stated I would like to recess the meeting to call a public hearing for Seneca Golf Course Subdivision at 7340 Route 48 Tax Map ID# 64-03-01 & 64-04-07.

Mr. Geiss waived the reading of the public notice.

Mr. Steve Sehnert was present to address the Board.

Mr. Sehnert stated what my client would like to do is to remove two residential properties from the overall golf course one being on lot 1 a single family detached house and the second lot a single family detached as well.

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

Mr. Tsetseranas spoke in favor of the subdivision.

No one else spoke.

Mr. Geiss closed the public hearing.

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

SENECA GOLF COURSE SUBDIVISION

7340 Route 48 Tax Map ID # 64-03-01 & 64-04-07

Mr. Geiss reviewed County comments with the applicant.

Mr. Steve Sehnert was present to address the Board.

Motion Mr. Geiss asked the Board to entertain a motion to approve the subdivision for Seneca Golf Course at 7340 Route 48 Tax Map ID # 64-03-01 & 64-04-07. The subdivision is a creation of lot number 1 which is along NYS Route 48 and lot number 2 which is along Van Ness Road South. This is on the map which is dated March 31, 2016. The applicant has obtained variances for the setbacks for the property along Van Ness Road South. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

JAMES NOBLES SPECIAL USE PERMIT SECTION 200-30

Van Buren Road and 690 Tax Map ID# 51-03-19

Motion Mr. Geiss asked the Board to entertain a motion with regard to James Nobles Special Use Permit Van Buren Road and 690 Tax Map ID# 51-03-19. The Board has taken lead agency with regard to SEQR during its main meeting. This is a proposed action from anywhere from 1 to 3 feet of fill along the property which faces both Van Buren Road and 690. This has been a vacant parcel used for farming in the past and also for gardening. 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.

Mr. Geiss stated I would like to recess the meeting to call a public hearing for James Nobles for a Special Use Permit at Van Buren Road and 690 Tax Map ID # 51-03-19.

Mr. Geiss waived the reading of the public notice.

Mr. James Nobles was present to address the Board.

Mr. Nobles stated I would like to just get this all cleaned up and leveled off. There is 21 acres there with not wetlands.

Mr. Geiss stated it is shown on the map about 4 acres of a 21 acres parcel.

Mr. Geiss stated and you are looking to place fill on there.

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.

JAMES NOBLES SPECIAL USE PERMIT SECTION 200-30

Van Buren Road and 690 Tax Map ID# 51-03-19

Mr. Geiss reviewed County comments with the applicant.

Mr. Schanzenbach stated if we do not know how much fill is going in there, should we have a final grading plan submitted at the end of the fill process.

Mr. Geiss stated we can add that into this resolution.

Resolution to follow:

**RESOLUTION NO. 1604
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

James Noble seeks a special use permit to fill property located on Van Buren Road, Tax Map No. 51.-03-19 (the "Property") with loam, soil, rock, stone, gravel, sand and/or cinders, pursuant to Section 200-30 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 Revised Grading Fill Plan prepared by Mastroiani Engineering, PLLC, an aerial photograph of the Property and a Short Environmental Assessment Form ("EAF"). In addition, Applicant appeared at the public hearing to explain why permission was sought to fill the Property and address the concerns of the Board. Applicant confirmed that the purpose of the proposal is to enable the future development of the Property. Documentation submitted indicates that approximately eight (8) acres are to be filled with 6-30 inches of fill, that the existing drainage of the Property will not be altered and there are no mapped Federal or NYSDEC wetlands on the Property, nor is there a flood plain on or near the Property.

Upon review by the Onondaga County Planning Board, Case # Z-16-186, it has been recommended that the proposal be modified to require Applicant to submit a complete drainage study or Stormwater Pollution Prevention Plan to meet New York State and Onondaga County Department of Transportation requirements verifying that the proposed activity would not create additional stormwater runoff into highway drainage systems.

Notice of the public hearing was duly published. The public hearing was held on June 14, 2016. 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 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 fill the Property will not pose any significant impact upon water, air, agricultural resources, or community character and growth.

2. Pursuant to Section 200-30 of the Code, upon issuance of a Special Use Permit by the Board, certain debris materials may be used to fill a site to a grade approved by the Code Enforcement Officer.

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 in compliance with the applicable intent and regulations of the Code;
- b. The proposed use is located on a parcel zoned Local Business and is consistent with the long-term development objectives of such area. The Property 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 shall be visually compatible with conditions of the site and surrounding properties. The fill area shall be covered with top soil and seeded to further minimize any physical and visual impacts;
- 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. On-site fill operations shall be as approved by the Code Enforcement Officer. The use is consistent with the soil capabilities of the site to accommodate the use and water runoff has been properly controlled. Applicant shall not be permitted to accept or use any contaminated fill; 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 200-30 of the Zoning Code, subject to the following conditions, so as to allow for the continued use of fill as approved by the Code Enforcement Officer:

- a. Applicant shall obtain Planning Board approval as required by Section 200-30;
- b. Applicant shall provide for erosion control satisfactory to the Town Engineer during fill operations.
- c. Fill areas shall be finish graded, covered with top soil and seeded;
- d. Applicant shall contact the Code Enforcement Officer to inspect the fill material and approve it prior to distribution;
- e. Applicant shall not accept or use any contaminated fill;
- f. Hours of operation shall be as agreed to by the Code Enforcement Officer;
- g. Applicant shall obtain any and all necessary approvals from the New York State Department of Environmental Conservation;
- h. Applicant shall submit a Stormwater Pollution Prevention Plan to the Town of Van Buren Engineer for review and approval;
- i. Applicant shall submit a final grading plan showing the fill area upon completion of fill operations; and
- j. The Special Use Permit shall expire on December 31, 2017.

Dated: June 14, 2016

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

Roll Call Vote:

| | Aye | Nay | Other |
|--------------------|---------------|---------------|------------------------|
| Joe Kiselica | <u> </u> | <u> </u> | <u> x (excused) </u> |
| James Virginia | <u> x </u> | <u> </u> | <u> </u> |
| James Ruddock | <u> x </u> | <u> </u> | <u> </u> |
| Roger Roman | <u> x </u> | <u> </u> | <u> </u> |
| James Bowes | <u> x </u> | <u> </u> | <u> </u> |
| James Schanzenbach | <u> x </u> | <u> </u> | <u> </u> |
| Anthony Geiss | <u> x </u> | <u> </u> | <u> </u> |

Motion Mr. Geiss asked the Board to entertain a motion to approve the proposed fill and grading plan presented by James Nobles on his map dated May 16, 2016 submitted by his engineer with the conditions as applied by the Zoning Board of Appeals with regards to this, with the condition that the applicant obtain approval from the Town Engineer for his Stormwater Pollution Prevention Plan. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

AMANDA TAROLLI SPECIAL USE PERMIT SECTION 200-24 G

6883 Peck Road Tax Map ID# 52-03-11

Mr. Geiss stated the applicant asked that this be postponed until next month.

REISSIG PROPERTY SUBDIVISION

2228 Warners Road Tax Map ID# 47-03-58.1 & 58.2

Mr. Steve Sehnert was present to address the Board.

Mr. Sehnert stated the applicant owns two separate parcels. A small parcel with an existing house on it which is about 125 feet in width and another larger parcel.

Mr. Sehnert stated we have some regulated wetlands shown on the map.

Mr. Sehnert stated the purpose of this is so he can build a garage to the east of the existing house.

Mr. Geiss stated there is wetlands all over here.

Motion Mr. Geiss asked the Board to entertain a motion to refer the Reissig Property Subdivision at 2228 Warners Road to Onondaga County Planning for their review. 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 declare the Town of Van Buren Planning Board as lead agency single agency uncoordinated review for the unlisted action under SEQR for the proposed subdivision a property located at 2228 Warners Road Tax Map ID# 47-03-58.1 & 58.2. The proposal is to add an additional lot to the east of an existing property which is 125.27 feet at the road and 351.150 such that the total property in the end would be 2.15 acres or 1.90 acres to the dedicated highway. There are existing wetlands in this area and they have been delineated on the applicants map. The applicant proposing that he will be building a garage east of the existing structure and has contacted DEC since it is an existing facility he would be allowed to construct a garage in this area. 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 set a public hearing for Reissig Property Subdivision at 2228 Warners Road Tax Map ID # 47-03-58.1 & 58.2 for July 12, 2016

at 7:05 pm. Mr. Virginia moved to accept the motion seconded by Mr. Schanzenbach. Motion carried unanimously.

RICCELLI NORTHERN LLC

6900 Van Buren Road

Mr. Geiss stated I asked them to come in tonight to address the items that we are concerned with from our April 14, 2015 meeting.

Mr. Richard Riccelli was present to address the Board.

Mr. Bob Finkle was present to address the Board.

Mr. Geiss stated I would like to list the items for the Board so that they are aware of it.

- 1) Removal of the storage containers that are on site
- 2) Installation of approved well and septic system
- 3) Restoration of the lower property, right off of Van Buren Road
- 4) Installation of electric power
- 5) Installation of a new asphalt mix tank
- 6) Submission of inventory of the equipment to be located upon the property to the Code Officer
- 7) Issuance of an Operating Permit shall be contingent upon limiting the asphalt facilities hours of operation
- 8) Submission of a sign and stamped grading and drainage plan to the Code Enforcement Office

Mr. Riccelli stated we purchased the property from Earth Road on May 15, 2015 and received some kind of an approval that we could operate the plant.

Mr. Riccelli stated we did not see this notice until earlier this year.

Mr. Riccelli stated we have addressed everything and some items have been completed and some items are ongoing.

Mr. Riccelli stated we have put a lot of investment into the plant since we have bought it.

Mr. Riccelli stated it is currently NYS DOT approved and NYS DEC approved.

Mr. Riccelli stated the grass has been planted in the area that was disturbed where there were storage containers parked.

Mr. Riccelli stated we have lined the driveway so that on traffic could get up on that disturbed area.

Mr. Riccelli stated we have installed a septic tank and water tank.

Mr. Riccelli stated also upgrades to the generator were done including a muffler being put on it.

Mr. Riccelli stated it is very quiet now when you go up there.

Mr. Riccelli stated we will be building a new plant there and will be coming in front of you this year.

Mr. Riccelli stated we talked about operating Monday through Friday 6 a.m. to 6 p.m.

Mr. Ricelli and weekends occasionally and we will notify the Town if we are going to work on the weekend.

Mr. Geiss stated I believe they have everything covered with the items and the only item with the hours of operation they have asked for 6 a.m. to 6 p.m. and we had talked about 7 a.m. to 5 p.m. does anyone have a problem with the change?

No one had any issue with the change of hours.

Mr. Geiss stated we would like to get an update by September on what the status is and what the status will be on the new plant.

INFORMATION ONLY

Mr. Geiss stated we will be having the Comprehensive Plan Meeting next Wednesday from 4 pm to 6 pm with Mario D'Arrigo coming as guest speaker.

OTHER BUSINESS

ADJOURNMENT

Motion Mr. Geiss made the motion to close the meeting. Mr. Virginia moved to accept the motion, seconded by Mr. Ruddock. There was no further discussion. Motion carried unanimously. The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary