

The March 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	excused
	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
 Kevin Gilligan, Attorney
 Jason Hoy, Engineer

MINUTES

Mr. Geiss asked the Board to accept the January meeting minutes for Zoning/Planning Board as written. Mr. Virginia moved to accept the motion, seconded by Mr. Ruddock. Motion carried unanimously.

PETRO PETROVETS SPECIAL USE PERMIT SECTION 200-30 (R-40)

Pottery Road Tax Map ID# 055-01-14.3

Mr. Ric Maar was present to address the Board.

Ms. Ludmila Ammann, a niece of the applicant was present to address the Board.

Mr. Maar stated I feel all the comments discussed at the last meeting has been satisfied.

Mr. Geiss asked Mr. Jason Hoy if he was satisfied with SWPPP, Mr. Hoy stated yes he was.

**RESOLUTION NO 1901
 OF THE
 ZONING BOARD OF APPEALS/ PLANNING BOARD
 OF THE TOWN OF VAN BUREN**

Petro Petrovets seeks a special use permit to continue to fill property located at 6699 Pottery Road, Tax Map No. 55.-01-14.3 (the "Property") with loam, soil, rock, stone, gravel, sand and cinders, pursuant to Section 200-30 of the Town of Van Buren Zoning Code. The Property is located in the R40 Zoning District.

Applicant is requesting a special use permit to add fill to a vacant, 1.11-acre parcel, for purposes of constructing a single-family residential dwelling. As evidenced by the survey submitted by Applicant, the topography of the Property is such that it slopes away from Pottery Road, with the flattest land occurring at the front of the Property, with a fairly steep, twenty foot (20') drop within ninety feet (90') of the road boundary, then continuing a gradual decline to the rear lot line. As proposed, the residential dwelling is to be situated sixty feet (60') from Pottery Road. The proposed fill is shown to regrade the site, resulting in a more level elevation at the front and rear of the proposed residential dwelling, and relocating the most substantial grade change to the rear of the Property.

In support of his request, Applicant submitted an Application for a Special Use Permit, dated November 14, 2018, Agricultural Data Statement, dated November 21, 2018, Notification to Surrounding Property Owners of Pending Action, Short Environmental Assessment Form, dated November 20, 2018, Survey, prepared by Dunn & Sgromo Engineers, PLLC, dated November 19, 2018, correspondence from Ric Maar of Dunn & Sgromo Engineers, PLLC, dated January 2, 2019, and Site Plan (Sheet SP1), Erosion & Sediment Control Plan (Sheet SP2), and Erosion & Sediment Control Details (Sheet SP3), last revised January 9, 2019. Because more than one acre is to be disturbed, a Stormwater Pollution Prevention Plan ("SWPPP") was submitted to the Town Engineer and the Town of Van Buren Zoning Board of Appeals (the "Board"). for review. Mr. Maar appeared at the public hearing on behalf of the Applicant to

explain why permission to fill the Property was sought and to address the concerns of the Board. Citing to concerns with potential erosion and drainage, the Board requested information relative to the compaction of filled soil and parameters established by the New York State Department of Environmental Conservation.

Notice of the public hearing was duly published. Neighboring property owners appeared at the public hearing in opposition to the application. The application was duly referred to the Onondaga County Planning Board ("OCPB") for review pursuant to General Municipal law Section 239. By Resolution for Case # Z-18-376, the OCPB determined that the referral will have no significant adverse inter-community or county-wide implications.

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 mitigation efforts proposed by Applicant to address the erosion and drainage concerns, as well as 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. The proposed fill areas will not visually impact the Property, resulting in negligible aesthetic changes.

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. The Board hereby determines:
 - a. As proposed, the use is allowed by special use permit and is in compliance with the applicable intent and regulations of the Code;
 - b. The proposed use is located on a residentially zoned 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. The fill area will be graded and covered with top soil and seeded in accordance with submitted materials 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. The use is consistent with the soil capabilities of the site to accommodate the use and water runoff has been properly controlled; and
 - f. Emissions from the site are minimal and shall be directed away from surrounding properties.

4. In its capacity as Zoning Board for the Town of Van Buren, the Board hereby **grants** approval pursuant to Section 200-30 of the Zoning Code.

5. The 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 use of fill as approved by the Code Enforcement Officer:

- a. Applicant shall provide for erosion and sedimentation control satisfactory to the Town Engineer during fill operations and shall, at all times, comply with the conditions of the Stormwater Pollution Prevention Plan and the submitted plans, which shall include, but are not limited to Sheets SP1, SP2 and SP3;
- b. Applicant shall contact the Code Enforcement Officer to inspect the fill material and approve it prior to distribution;
- c. Applicant shall not accept or use any contaminated fill;
- d. Hours of operation shall be 8 a.m. to 5 p.m.;

- e. Applicant shall clear Pottery Road of the mud and dirt tracked from the Property onto such roadway on a daily basis, as needed, by means of a power broom/ brush or street sweeper;
- f. Applicant shall obtain any and all necessary approvals from the New York State Department of Environmental Conservation; and
- g. Applicant shall submit a final grading plan showing the fill area upon completion of fill operations.

6. The special use permit shall expire on December 31, 2020. Having previously obtained a special use permit to fill the subject Property, Applicant may request two (2) additional one (1) year extensions.

Dated: March 12, 2019

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

Roll Call Vote:

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

SENECA NEIGHBORHOOD

7360 State Fair Blvd. Tax Map ID# 064.-03-01.1

- Mr. Michael Fogel, Attorney was present to address the Board.
- Mr. Brandon Jacobson was present to address the Board.
- Mr. Scott Freeman was present to address the Board.

Mr. Fogel stated initially we applied for in November for a Zone Change for the property from R-40 to a PUD.

Mr. Fogel stated when we first applied we were asking for single family and since that time we have changed from single family to combination of town homes and attached patio homes.

Mr. Geiss stated one item tonight the Town Board received a request for a Zone Change from R-40 to PUD, we as the Planning/Zoning Board met on December 11, 2018 and heard your review

of the project and at that time we decided to form a sub-committee of which is 3 Planning Board members and 2 Town Board members to meet with you in an open meeting.

Mr. Geiss stated we have had two sub-committee meetings one on January 3rd and one on February 14th.

Mr. Fogel stated the plan you have in front of you is a combination of town homes and patio homes.

Mr. Fogel stated there is two different size town homes.

Mr. Fogel stated one of the comments we received was regarding parking.

Mr. Fogel stated there will be two entrances to Route 48 and two entrances to Van Ness Road.

Mr. Fogel stated we did have a traffic impact study prepared which was submitted to the Town.

Mr. Fogel stated we also submitted that to DOT as well.

Mr. Geiss stated regarding the townhomes, you have 69 with four units each.

Mr. Geiss asked who will own the land and who will own the homes?

Mr. Jacobson stated it is going to be a building envelope with zero lot line and then the homeowner will be the owner of the property. They will have a piece of land in the front that they own and a piece of land in the rear that they own.

Mr. Jacobson stated the remainder will be maintained by the HOA, it will not be owned by the HOA it will be owned by the homeowner.

Mr. Geiss stated with this layout these would end up as private streets. The Town would not accept the buildings facing the street the way they are. The Town would not do any maintenance on them.

Mr. Jacobson stated are you referring to turning the buildings facing each other?

Mr. Geiss stated three or four buildings around to come together or something. They can't face the Town road.

Mr. Geiss stated you could look at R-15 for zoning. Mr. Geiss stated our desire is to go with R-15 and larger as we keep pursuing to go.

Mr. Virginia stated there is no place for kids to play here. The kids will be playing in the street now.

Mr. Virginia stated the Town is against sidewalks but if you are going with this density you are going to need sidewalks.

Mr. Virginia stated this plan is completely different from what we saw in the sub-committee meeting.

Mr. Schanzenbach stated we did make a request that there is an effort to save larger trees.

Mr. Geiss stated that is still a request.

Mr. Geiss stated I feel we have given you some items to consider and you can come back to us once you have a new plan or changes to this plan give us a call and we can set up a sub-committee meeting.

INFORMATION ONLY

Mr. Mike Flynn was present to address the Board.

Mr. Flynn stated he has 38 acres and is proposing to make two building lots and then put the existing house on its own lot.

Mr. Geiss stated one item you will need to address is you will need to go to DOT to get a driveway permit as this is a County road.

OTHER BUSINESS

ADJOURNMENT

Motion Mr. Geiss made the motion to close the meeting. Mr. Ruddock moved to accept the motion, seconded by Mr. Virginia. There was no further discussion. Motion carried unanimously. The meeting was adjourned at 7:20 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary