

The November 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	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 October meeting minutes for Zoning/Planning Board upon correction. Mr. Ruddock moved to accept the motion, seconded by Mr. Budosh. Motion carried unanimously.

THOMAS COLLIER VARIANCE SECTION 200-45 (AR-80)

7041 River Road Tax Map ID# 045.-04-05.0

Mr. Geiss stated no one was present to address the Board, we have not heard from him since the last meeting as we were unable to contact him as he did not leave a phone number.

Mr. Geiss stated we will try again next month and if we do not receive anything we will deny the application that did get submitted.

Mr. Geiss stated I would like to recess the meeting to hold a public hearing for Jones Road Subdivision at 7122 Jones Road Tax Map ID# 059-01-37.2.

Mrs. Carolyn Shuba was present to address the Board.

Mrs. Shuba stated I have two lots, with our neighbor owning the back of both lots. We would like to purchase and he has agreed to sell the back of our lot and the back of his lot. So basically what we would be doing is moving the line from the back of his to the back of ours and closing off his.

Mr. Geiss stated you are talking about your neighbor which is lot 2R?

Mrs. Shuba stated that is correct.

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 in regular session.

JONES ROAD SUBDIVISION (R-40)

7122 Jones Road Tax Map ID# 059-01-37.2

Mrs. Carolyn Shuba was present to address the Board.

Mr. Geiss reviewed the County comments with the applicant.

Mr. Geiss stated the 4.5 acres exists, is that correct?

Mrs. Shuba stated yes.

Mr. Geiss stated so we will be dividing the 18 acres up.

Mr. Schanzenbach stated the survey seems to be for 3R as it shows all the structures but it does not show any of the structures on lot 1. Are there any structures on lot 2?

Mrs. Shuba stated yes.

Mr. Schanzenbach asked is there a lot line on lot 2 now that separates, the east property line for lot 2R is there a line there now?

Mr. Geiss stated yes.

Mr. Schanzenbach stated if there is a structure on 2R which it looks like there is and it is close to the east lot do we have the proper setback there for that structure?

Mr. Geiss stated it is about 130 feet.

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 Subdivision on 7122 Jones Road Tax Map ID # 059-01-37.2. This is a subdivision of 5.96 acres off of the existing lot which is now labeled 2R and this will be added to lot 1 which will be now 12.231 acres. 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 subdivision at 7122 Jones Road Tax Map ID# 059-01-37.2 per the applicants' map dated September 28, 2018 with no revisions with the condition that the applicant have the map amended prior to submitting for signing and approval to show the dedication of the highway right of way equal to 40 feet from the center line of Jones Road. 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 hold a public hearing for Hourigan Farms Subdivision at Old Route 31 Tax Map ID# 46-07-1.3.

Mr. Doug Reith was present to address the Board.

Mr. Reith stated we have an existing lot here and they are looking to divide it up. Lot 1 will be 3.32 this will have two existing barns, lot 2 is 3.7 acres and will be returned to the original parcel.

Mr. Reith stated the original parcel was in the Town of Van Buren and the Town of Elbridge but it will be returned to just the Van Buren side.

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 in regular session.

HOURIGAN FARMS SUBDIVISION (AR-80)

Old Route 31 Tax Map ID# 46-07-1.3

Mr. Doug Reith was present to address the Board.
Mr. Geiss reviewed the County comments with 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 subdivision on Old Route 31 Tax Map ID# 46-07-1.3. This is a subdivision of a lot divided into lot 1 and lot 2 which is 3.328 acres and 3.788 acres and lot 2 is to be joined to the remaining acres of the farm which would total out 43.167. 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 subdivision for Hourigan Farms Old Route 31 Tax Map ID# 46-07-1.3 this is per the applicants' map dated October 18, 2018 with revisions of November 2, 2018 to show lot 1 with septic approval. This is subject to the filing of a deed that lot number 2 would be combined to the other acreage of the farm. 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 hold a public hearing for Ronald Lado Variance Section 200-45 at 216 Commene Road Tax Map ID# 037-01-35.0.

Mrs. Shirley Lado was present to address the Board.
Mr. Ronald Lado was present to address the Board.

Mr. Lado stated we are here to ask to add a garage to our existing garage, to put in front of it. Mr. Geiss stated this garage will be 33 feet off Commene Road West and 12 ½ feet off of your western property line.

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 in regular session.

RONALD LADO VARIANCE SECTION 200-45 (R-40)

216 Commene Road Tax Map ID# 037-01-35.0

Mr. Ronald Lado and Mrs. Shirley Lado were present to address the Board.

Mr. Geiss stated there is a wood shed is noted on this map, that has been removed.

Mrs. Lado stated that is correct but it is going to be put back. A new one will be put back.

Mr. Geiss asked will it be the same dimensions?

Mr. Lado stated yes.

Mr. Geiss asked is Commene Road a private road?

Mr. Lado stated yes it is.

Resolution to follow:

**RESOLUTION NO. 1813
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Ronald Lado of 216 Commene Road West has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code relating to the construction of an attached garage, measuring 24 feet x 32 feet, with entry porch and wood shed structure measuring 12.3 feet by 12.3 feet, which will be located to the north of the existing house. The property is located in the R-40 District and is identified as Tax Map No. 037-01-35.0 (“Property”).

Mr. Lado appeared before the Zoning Board of Appeals and, speaking in favor of the application, described the proposed construction of an attached two (2) car garage measuring 24 feet x 32 feet in the front yard of the Property. Section 200-45 of the Zoning Code prohibits the placement of structures within 50 feet of the rear yard boundary line and within 20 feet of the side yard boundary line. Mr. Lado will also be replacing an existing wood shed, measuring 12.3

feet by 12.3 feet, approximately five (5) feet off the property line. Mr. Lado explained that due to the placement of the existing frame structure on the Property, the proposed placement of the garage and entry porch, approximately 33 feet from the rear yard boundary line and 12.5 feet from the side yard boundary line, is necessary. The proposed shed is replacing an existing shed, at the same location. Because of the Property's location on Seneca River, the New York State Department of Environmental Conservation has reviewed the proposal and approved same. Applicant confirmed that there is no line of sight issues.

There was no objection to the proposal at the Zoning Board of Appeal's public hearing, which was held on November 13, 2018, pursuant to public notice.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, and an altered survey of the Property, prepared by Ianuzi & Romans, P.C., dated June 26, 2004.

Based upon the foregoing, the Board resolves as follows:

1. This matter is Type II under the State Environmental Quality Review Act as it involves the granting of an area variance related to a single-family residential use.
2. It is determined that variance relief will not produce any undesirable change in the residential character of the neighborhood and will not be a detriment to nearby properties. Variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors did not express any opposition to the variance. There is no apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant outweighs any detriment to the neighborhood or community because of granting the variance relief.

4. Area variance relief from Section 200-45 is hereby granted to allow the construction of an attached residential garage measuring 24 feet x 32 feet, with entry porch, on property located at 216 Commane Road West, Tax Map No. 037-01-35.0, 33 feet from the rear yard boundary line and 12.5 feet from the side yard boundary line.

Dated: November 13, 2018

Anthony Geiss, Jr. 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>	_____	_____

Mr. Geiss stated I would like to recess the meeting to hold a public hearing for JoyBelle Allen Special Use Permit-Home Occupation Section 200-80 B C (5) at 1011 Village Blvd. South Tax Map ID# 031.5-04-07.0.

Ms. JoyBelle Allen was present to address the Board.

Ms. Allen stated I am a massage therapist and I would like to set up a room in my house to do therapy at my home.

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

Mr. Bob Sedlak at 410 Crandon Terrace spoke regarding this proposal.

Mr. Sedlak stated it is a busy corner and there already seems to be a lot of cars there.

Mr. Sedlak stated I would just like to see adequate off street parking provided as sometimes that corner is a little crowded.

No one else spoke.

Mr. Geiss closed the public hearing.

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

JOYBELLE ALLEN SPECIAL USE PERMIT SECTION 200-80 B C (5) (PUD)

1011 Village Blvd. South Tax Map ID# 031.5-04-07.0

Ms. Allen was present to address the Board.

Mr. Geiss stated I drive by your home quite often and I saw five cars in the driveway, the driveway was full.

Ms. Allen stated we have six adults living in my home.

Mr. Geiss stated there has been quite a bit of cars parking on the lawn since you moved in.

Mr. Geiss stated I have concern as you have a driveway that is so many feet from the corner, much less than normal.

Mr. Geiss asked with that many cars there how will you accommodate your business?

Ms. Allen stated the driveway is currently being extended to the sides, it just needs to be finished.

Mr. Geiss stated one of the items we will have with this is restrict you to park all cars in the driveway, no one on the street or in the grass.

Resolution to follow:

**RESOLUTION NO. 1814
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Joybelle Allen seeks a special use permit to operate a therapeutic massage practice on a parcel located at 1011 Village Boulevard South, Tax Map No. 031.5-04-07.0 (the "Property") pursuant to Sections 200-24(G) and 200-80(C)(5) of the Town of Van Buren Zoning Code. The Property is located in the PUD 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, Short Environmental Assessment Form ("EAF"), and survey of the Property, dated April 11, 2017, prepared by Lehr Land Surveyors.

Applicant appeared at the public hearing to describe the proposed use and address the concerns of the Board. Ms. Allen confirmed that the proposed use will be conducted in a single room in her home and opined that the use will never generate more than one additional vehicle.

Noting the existence of a parking problem on the Property, the Board expressed concern over Applicant's ability to accommodate an additional vehicle. Specifically, it was noted that the Property is located on a corner and the driveway is in close proximity to the intersection, presenting potential traffic hazards for vehicles turning onto Crandon Terrace from Village Boulevard.

Notice of the public hearing was duly published. The public hearing was held on November 13, 2018. One neighbor appeared in opposition to the application at the public hearing, expressing concern over the ability of parking and the impact upon traffic safety.

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. On November 13, 2018, the Board appointed itself lead agency for the uncoordinated review of this matter and determined 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 home occupations to allow residents to conduct certain business activities within their homes, while not altering the primary use or appearance of the property as a residential dwelling, 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 massage use does comply with Town requirements and will be visually compatible with conditions of the site and surrounding properties;
- d. As a result of the conditions to be imposed relating to parking, 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 massage use is designed and shall be operated in a manner that does minimize 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, are in harmony with surrounding uses, and mitigates 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 therapeutic massage, to be conducted on property located at 1011 Village Boulevard South:

- 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. Parking for customer vehicles is limited to the driveway; to eliminate potential traffic hazards, parking on the street and yard for customers and residents is prohibited.

- 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: November 13, 2018

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

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u> x </u>	<u> </u>	<u> </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>

Mr. Geiss stated I would like to recess the meeting to hold a public hearing for Todd & Christine Town Variance Section 200-45 at 1821 Warners Road Tax Map ID# 049-02-12.0.

Mr. Todd Town was present to address the Board.

Mr. Town stated I am here to ask for a variance to put a single family structure in a location that is setback behind the existing barn.

Mr. Town stated from Warners Road the barn is approximately 230 feet back.

Mr. Town stated the house itself is about 350 feet back from the road, which puts it about 100 feet from the front of the barn.

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

Ms. Rose Mary Johnson at 1832 Warners Road spoke in favor of the proposal.

No one else spoke.

Mr. Geiss closed the public hearing.

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

TODD AND CHRISTINE TOWN VARIANCE SECTION 200-45 (AR-80)

1821 Warners Road Tax Map ID# 049-02-12.0

Mr. Todd Town was present to address the Board.

Resolution to follow:

**RESOLUTION NO. 1815
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Todd and Christine Town of 5879 Jordan Road in the Town of Elbridge have applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code relating to the construction of single-family dwelling on property located at 1821 Warners Road in the Town of Van Buren. The property is located in the AR-80 District and is identified as Tax Map No. 049-02-12.0 (“Property”).

Pursuant to Section 200-45 of the Zoning Code, the minimum front yard setback for a principal structure in the AR-80 Zoning District is 60 feet. Applicant previously built a pole-barn structure on the Property approximately 200 feet from the front yard boundary line. Mr. Town appeared before the Zoning Board of Appeals and, speaking in favor of the application, proposed the construction of a single-family dwelling a distance of approximately 100 feet back from the existing pole barn structure. Having erected the pole barn structure, Applicant now requires variance relief to establish the building line. Applicant explained that the location of a pond and placement of the septic system limited the placement of the single-family dwelling.

There was no objection to the proposal at the Zoning Board of Appeal's public hearing, which was held on November 13, 2018, pursuant to public notice. In fact, a neighboring property owner appeared and spoke in favor of the application.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, a tax map of the Property, and correspondence from the Applicant, dated September 30, 2018.

Based upon the foregoing, the Board resolves as follows:

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

2. It is determined that variance relief will not produce any undesirable change in the residential character of the neighborhood and will not be a detriment to nearby properties. Variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors did not express any opposition to the variance; in fact, one neighbor appeared in support of the application. There is no apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant outweighs any detriment to the neighborhood or community because of granting the variance relief.

4. Area variance relief from Section 200-45 is hereby granted to allow the construction of a single-family dwelling on property located at 1821 Warners Road, 300 feet off the front yard boundary line, behind the pole barn structure.

Dated: November 13, 2018

Anthony Geiss, Jr. Chairman
Zoning Board of Appeals

Town of Van Buren

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u> x </u>	<u> </u>	<u> </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>

INFORMATION ONLY

OTHER BUSINESS

Mr. Geiss stated the Seneca Golf Course is looking at putting a development in there.
Mr. Geiss stated over 200 lots 75 foot wide by 150 deep.

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 7:40 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary