

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 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 October meeting minutes for Zoning/Planning Board as written. 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 John Pickard for a Variance Section 200-45 at 1382 Gunbarrel Road Tax Map ID # 038-03-01.0.

Mr. John Pickard was present to address the Board.

Mr. Pickard stated I am looking to build a garage in the front of my house. My house sits back off the Road about 190 feet and I would like to put the garage off the side of my driveway. Mr. Pickard stated therefore I will need to get a variance because it sits off the front of my house. Mr. Pickard stated I plan on leaving a row of trees on the road side.

Mr. Bowes asked is this a corner lot?

Mr. Geiss stated yes.

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

JOHN PICKARD VARIANCE SECTION 200-45

1382 Gunbarrel Road Tax Map ID# 038-03-01.0

Mr. John Pickard was present to address the Board.

Mr. Geiss stated your map shows that you are 55 feet and you will be putting up a 30 feet by 30 feet building.

Mr. Geiss stated I notice everything is wooded there.

Mr. Jim Schanzenbach stated the neighbor that signed off on the application is directly across the street from you. That is really the only neighbor that you have that is close to you correct?

Mr. Pickard stated yes.

Mr. Schanzenbach stated I looked on google earth, is there an existing shed on the property?

Mr. Pickard stated yes there is a wood shed out in the back.

Mr. Schanzenbach asked is there a problem with having two structures?

Mr. David Pringle stated no.

Resolution to follow:

**RESOLUTION NO 1708
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

John P. Pickard has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code to build a detached garage within the front yard setback on a parcel located at 1382 Gunbarrel Road, Tax Map No. 038.-03-01.0 (the "Property"). As proposed, once the detached garage structure is complete the front yard building setback will consist of 55 feet. The Property is located in the AR80 Zoning District.

The Property is situated on the corner of Gunbarrel Road and Gunbarrel Road. Applicant proposes to construct a detached garage structure measuring 30 feet by 30 feet between the residential structure and Gunbarrel Road. Because the Property is a corner parcel, the proposed location for the detached structure is considered part of the Property's "front yard." Under Section 200-45 of the Zoning Code, the required front yard setback distance for a detached residential accessory structure in the AR80 Zoning District is the existing building line, which is

156.6 feet in the instant matter. Accordingly, Applicant seeks a variance of 101.6 feet to allow for the placement of a detached garage 55 feet off the property line.

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 map prepared by Stephen Sehnert, dated November 4, 1997, showing the Property with existing residential structure and the proposed detached garage.

Applicant appeared at the public hearing to describe the proposed garage structure and his need for such structure. The Property, which is approximately 8.0 acres, is a wooded lot and the residential structure is situated far off Gunbarrel Road. Due to the topography of the Property and the location of the existing residential structure, possible locations for the proposed structure are limited. Applicant addressed the concerns of the Board; particularly, the potential impact upon the line of sight at the intersection of Gunbarrel Road and Gunbarrel Road. The Board concluded that there was no line of sight concerns. 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 Type II 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 residential character of the neighborhood and **will not** be a detriment to nearby properties. Due to the location of the existing residential structure on the Property and the size and 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 from the Town’s Zoning regulations.

4. For the reasons set forth, a variance is **granted** allowing Applicant to construct a detached garage structure situated on a parcel located at 1382 Gunbarrel Road, Tax Map No. 038.-03-01.0, such that the front yard building setback will consist of 55 feet.

Dated: November 14, 2017

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

Roll Call Vote:

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

Mr. Geiss stated I would like to recess the meeting to continue a public hearing for Third Day Worship Centre for a Variance Section 200-45 at 6987 Jones Road Tax Map ID # 058-01-35.1.

Mr. John Wicks was present to address the Board.

Mr. Dave Forsythe was present to address the Board.

Mr. Wicks stated page S3 of your plans shows the existing building with a rectangle, we are proposing to add a porch, an overhang in the front which is 12 feet by 16 feet and that will violate your front setback. Instead of 50 feet now the front edge of this porch including the overhang will be 38.1 feet.

Mr. Wicks stated we are asking for a variance to put the porch on the front of the building.

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

THIRD DAY WORSHIP CENTRE VARIANCE SECTION 200-45

6987 Jones Road Tax Map ID # 058-01-35.1

Mr. John Wicks was present to address the Board.

Resolution to follow:

**RESOLUTION NO. 1709
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Third Day Worship Centre has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code to build a porch within the front yard setback, on a parcel located at 6987 Jones Road, Tax Map No. 058.-01-35.1 (the "Property"). As proposed, once the porch is complete the front yard building setback will consist of 38 feet. The Property is located in the Industrial A Zoning District.

Applicant proposes to remodel the existing Church structure through the addition of a porch, with a roof, measuring 12 feet by 16 feet to be attached to the front of the structure. Under Section 200-45 of the Zoning Code, the required front yard setback distance for a principal and attached accessory structure in the Industrial A Zoning District is 50 feet.

Accordingly, Applicant seeks a variance of 12 feet to allow for the addition of a porch to the front of the structure.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, an altered survey prepared by D.W. Hannig, L.S., P.C., dated August 9, 2016, and a site plan, prepared by David J. Tucker, Architect, consisting of pages ST1, SV1, and S1-S9.

Applicant appeared at the public hearing to describe the proposed porch and the need for such porch, particularly the safety concerns the addition is intended to address. Applicant addressed the concerns of the Board. Having referred the matter to the Onondaga County Planning Board (“OCPB”) for review under Section 239 of the General Municipal Law, the Board acknowledged receipt of Resolution Case #Z-17386, wherein the OCPB determined that the relief will have no significant adverse inter-community or county-wide implications. Although comments were offered by the OCPB for consideration by the Board, none related to the issuance of a variance but instead focused upon the proposed site plan. 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 Unlisted under the State Environmental Quality Review Act as it involves an individual setback and the granting of an area variance related to a religious use. No negative environmental impact is anticipated.

2. It is determined the requested variance relief **will not** produce any undesirable

change in the industrial character of the neighborhood and **will not** be a detriment to nearby properties. Due to the configuration of the existing structure on the Property and the safety concerns expressed by Applicant, 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, which is industrial in nature. 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 from the Town’s Zoning regulations.

4. For the reasons set forth, a variance is **granted** allowing Applicant to add a porch to the front of the structure situated on a parcel located at 6987 Jones Road, Tax Map No. 058.-01-35.1, which, once complete, will result in the front yard building setback consisting of 38 feet.

Dated: November 14, 2017

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

Roll Call Vote:

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

THIRD DAY WORSHIP CENTRE SITE PLAN

6987 Jones Road Tax Map ID # 058-01-35.1

Mr. John Wicks was present to address the Board.

Mr. Geiss reviewed County comments with the applicant and the Board.

Mr. Wicks stated if you look on page S3 I addressed the egress issue with the County, on the revision you see there is only one driveway.

Mr. Wicks stated the County is asking for SWPPP so we have an Engineer handling this.

Mr. Geiss stated is SWPPP necessary for this.

Mr. Jason Hoy stated for our Town Code it is not if it is less than an acre.

Mr. Wicks stated the County is asking for a traffic review and we will tackle that as well.

Mr. Wicks stated we will be proposing to take this new crushed stone parking lot area and raise it up at the southwest corner so it gives it a correct pitch.

Mr. Geiss stated you have certain items to complete before we can give you approval.

Mr. Geiss stated you need to get with DOT and talk with them with these items and then come back to us once this is resolved.

Mr. Geiss asked what is your schedule on this?

Mr. Wicks stated we wanted to work on the interior during the cold weather.

Mr. Geiss asked would this affect any work on the interior?

Mr. Pringle stated no.

Mr. Geiss stated you cannot do any work outside on the site, just interior.

Mr. Geiss stated we will wait to hear from you again.

Mr. Ruddock stated as for the lighting plan can we get this stamped.

Mr. Wicks stated yes.

TANYA DIFRANCESCO VARIANCE SECTION 200-72 (B)

400 Tuscany Lane Tax Map ID # 031.8-03-01.0

Mr. Peter Di Francesco was present.

Mrs. Tanya Di Francesco was present.

Mr. Geiss stated you are requesting a 6 feet high fence along Tuscany Lane and it would be 28 feet off of the building. The normal fence here would be 3 ½ feet.

Mr. Geiss stated we discussed at the last meeting moving it back to 20 feet off the house and the Board was talking about allowing a 6 feet fence.

Mr. Di Francesco stated since we met last I contacted OCWA and they said no to both 20 feet and 24 feet. So now we will put the fence up with an angle.

Mr. Geiss stated I believe we will be going with 20 feet off and 6 feet high.

Resolution to follow:

**RESOLUTION NO. 1710
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Tanya Difrancesco (“Applicant”) of 400 Tuscan Lane has applied for area variance relief from Section 200-72(B) of the Town of Van Buren Zoning Code related to the installation of a proposed stockade fence measuring six (6) feet in height in her front yard. The property is located on the corner of Tuscan Lane and Caserta Drive in the PUD District and is identified as Tax Map No. 03.8-03-01.0 (“Property”).

The Applicant appeared before the Zoning Board of Appeals and described the proposed placement of a six (6) foot high stockade fence a distance of 20 feet along the northern boundary, commencing at the residential structure, and extending a distance of approximately 60 feet along the eastern boundary of the Property, commencing nine (9) feet off the driveway and continuing to the rear property line, which boundaries are within the front yard under the terms of the Zoning Code. Section 200-72(B) of the Zoning Code provides, “[o]n all lots, no wall, hedge or fence over 3 ½ feet in height shall be erected within the front yard.” The Applicant submitted a list of those neighbors who supported her request and confirmed that along Tuscan Lane the Property is bordered by the side yard (and not the front yard) of a neighboring residence. Citing such concerns as privacy and the safety of pets, the Applicant maintained that the installation of a fence measuring six (6) feet in height in the front yard of the Property was necessary.

An individual appeared at the public hearing, which was held on October 10, 2017 pursuant to public notice, with a request for more specific information. The Board noted that, as proposed, the fence will be situated within an easement held by the Onondaga County Water

Authority (“OCWA”). The Board advised Applicant of the need to obtain permission from OCWA to locate the fence in the proposed location.

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, dated May 9, 2017, showing the location an existing residential structure and the proposed fence.

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 does outweigh any detriment to the neighborhood or community because of granting the variance relief.

3. An area variance is hereby granted allowing a stockade fence measuring six (6) feet in height to be situated in the front yard of property along the northern boundary a distance of 20 feet from the residential structure, as measure commencing nine (9) feet off the driveway and extending to the rear property line, and installed in such a manner as to avoid the OCWA easement area, on property located at 400 Tuscany Lane, Tax Map No. 03.8-03-01.0.

Dated: November 14, 2017

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

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 8:10 p.m.

Respectfully Submitted,
Melissa MacConaghy
 Zoning/Planning Board Secretary