

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:	Joe Kiselica	excused
	James Virginia	excused
	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

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. Roman. Motion carried unanimously.

WILLIAM KIMBALL SITE PLAN

6429 Bennetts Corners Road Tax Map ID# 048-05-12.1

Mr. Geiss stated this will be adjourned until next month per the applicant’s request.

Mr. Geiss stated I would like to recess the meeting to call a public hearing for John Thompson Variance Section 200-45 at 7680 Van Buren Road Tax Map ID # 030.-04-12.0.

Mr. Geiss waived the reading of the public notice.

Mr. Thomas Oot was present to address the Board.

Mr. Oot stated the property is an approved building lot. It has been subdivided and it is a separate tax parcel.

Mr. Oot stated the map shows a 30 foot rear yard setback and that is an existing variance that was granted for this property.

Mr. Oot stated the applicant would like to build a single family one story home.

Mr. Oot stated what we are asking the Board to do is reduce the rear yard setback from the 30 feet that was approved on a prior occasion to a 25 feet rear yard setback which will allow us to move the house an additional 16 feet to the south.

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

Mr. John Thompson 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.

JOHN THOMPSON VARIANCE SECTION 200-45

7680 Van Buren Road Tax Map ID# 030-04-12.0

Mr. Oot was present to address the Board.

Mr. Oot stated the property is serviced by all utilities.

Resolution to follow:

**RESOLUTION NO. 1611
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

John Thompson of 3118 State Route 370, Cato, New York has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code for property situated at 7680 Van Buren Road, Tax Map No. 030-.04-12.0 (“Property”), related to the location of a proposed single-family dwelling. The Property is located in the R40 District.

Mr. Thomas Oot, builder for the applicant, appeared with the applicant, spoke in favor of the application and described the need to reduce the rear yard setback to a minimum of 25 feet to properly place a single-family dwelling on the Property. Section 200-45 requires the rear yard setback for residential structures to be 50 feet. Through prior variance relief, the rear yard setback for the Property was previously reduced to 30 feet. Applicant indicated placement of the proposed single-family dwelling was limited by a drainage swale along the northern side of the

Property, situated near a sanitary sewer easement, that is required for stormwater runoff. Citing the relatively shallow depth of the Property and the existing sanitary sewer easement and drainage swale, Applicant alleged that placement of the proposed single-family dwelling on the Property presented a hardship. Applicant indicated that the relief sought is consistent with the character of the neighborhood, noting that this Board previously reduced the rear yard setback for an adjoining parcel to 25 feet. There was no objection to the proposal at the Zoning Board of Appeal's public hearing, which was held on November 8, 2016, 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, the written consent of the property owner, Richard Benson, to the application, building elevation and floor plans of the proposed single-family dwelling, and sketch of the Property.

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 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.
4. An area variance is hereby **granted** to reduce the rear yard setback to 25 feet on

property located at 7680 Van Buren Road, Tax Map No. 030-.04-12.0.

Dated: November 8, 2016

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

Roll Call Vote:

	Aye	Nay	Other
Joe Kiselica	excused	_____	_____
James Virginia	excused	_____	_____
James Ruddock	√	_____	_____
Roger Roman	√	_____	_____
James Bowes	√	_____	_____
James Schanzenbach	√	_____	_____
Anthony Geiss	√	_____	_____

Mr. Geiss stated I would like to recess the meeting to call a public hearing for Mannion Property Subdivision at 1845 Whiting Road Tax Map ID # 48-01-12.

Mr. Joseph Mannion was present to address the Board.

Mr. Mannion stated the property we want to subdivide is the house next door to ours, it is approximately a 2.3 acre lot.

Mr. Geiss stated this property is in Memphis zoned RH.

Mr. Geiss stated the applicant is dividing it into lot number 1 and lot number 2.

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

Mr. Mannion 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.

MANNION PROPERTY SUBDIVISION

1845 Whiting Road Tax Map ID# 48-01-12

Mrs. Mary Mannion was present to address the Board.

Mrs. Mannion stated the original lot, our home at 1845 Whiting Road it was a church and it is a very small lot.

Mrs. Mannion stated we bought the property next door so that we could obtain more property.

Mr. Geiss stated this will need to go to County, in order to get our comments back for our December meeting we have already sent this proposal to Onondaga County Planning for their review.

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 under the unlisted action under SEQR for the Mannion Property Subdivision at 1845 Whiting Road Tax Map ID# 48-01-12. 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 call a public hearing for Danielle McMahon Variance section 200-72 at 101 Cheerwood Drive Tax Map ID # 031.3-04-17.0.

Mr. Geiss waived the reading of the public notice.

Ms. Danielle McMahon was present to address the Board.

Ms. McMahon stated we are looking to install a vinyl privacy fence on our corner lot. Ms. McMahon stated we have actually been approved for the fence but we are asking for a variance for the section of the fence on Idlewood Blvd.

Ms. Geiss indicated this is a corner lot and typically corner lots have two front yards and we only allow 3 ½ foot fence in the front yard and you are asking for a 6 foot fence privacy fence.

Mr. Geiss asked if anyone would like to speak for or against this proposal. Mr. Matt Leau, living at 101 Cheerwood Drive spoke in favor of the proposal. Ms. McMahon 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.

DANIELLE MCMAHON VARIANCE SECTION 200-72
101 Cheerwood Drive Tax Map ID# 031.3-04-17.0

Ms. McMahon was present to address the Board.

Ms. McMahon discussed photos she brought to the meeting with the Board. Ms. McMahon stated we do consider this our side yard and that is a majority of our useable yard. Ms. McMahon stated it is my understanding with the codes that you are required to have 35 feet from the corner and we are asking for 70 feet. Ms. McMahon stated we also went around our neighborhood about 3 miles and we noticed that they are several other homes that have privacy fences on corner lots.

Ms. Geiss asked why are you looking for that high of a privacy fence?

Ms. McMahon stated we have three dogs and we are concerned that if we put up the chain link fence that the dogs would jump over the fence.

Ms. McMahon stated with the privacy fence we feel that the dogs would bark less and they would not be able to see.

Mr. Geiss stated a 6 foot fence to me looks like a structure and I have difficulty with it that close to the road.

Resolution to follow:

**RESOLUTION NO. 1610
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Danielle McMahon of 101 Cheerwood Drive has applied for area variance relief from Section 200-72 of the Town of Van Buren Zoning Code related to the installation of a proposed vinyl fence measuring six (6) feet in height. The property is a corner lot located in the R10 District and is identified as Tax Map No. 031.3-04-17.0 (“Property”).

Ms. McMahon spoke in favor of the application and described the proposed placement of a six (6) foot high vinyl privacy fence within the front yard of the Property. 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.” Citing privacy, curb appeal and the safety of her three (3) dogs, Ms. McMahon indicated the installation of fence measuring six (6) feet in height in the front yard of the Property was necessary. There was no objection to the proposal at the Zoning Board of Appeal’s public hearing, which was held on November 8, 2016, pursuant to public notice. Discussion ensued regarding sight distance concerns presented by the proposed height of the privacy fence.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental

Assessment Form, a survey of the Property, photographs of the Property and fences situated on other corner properties within the Town, and an invoice prepared by Syracuse 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 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.

4. An area variance is hereby **granted** to allow a vinyl privacy fence measuring six (6) feet in height in the front yard of property located at 101 Cheerwood Drive, Tax Map No. 031.3-04-17.0, such privacy fence is to be placed 18 feet setback from the property line along Idlewood Blvd.

Dated: November 8, 2016

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

Roll Call Vote:

	Aye	Nay	Other
Joe Kiselica	excused	_____	_____
James Virginia	excused	_____	_____
James Ruddock	√	_____	_____
Roger Roman	√	_____	_____
James Bowes	√	_____	_____

James Schanzenbach	<u> √ </u>	<u> </u>	<u> </u>
Anthony Geiss	<u> √ </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 8:00 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary