

The September 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	present
	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

MINUTES

Mr. Geiss asked the Board to accept the August meeting minutes for Zoning/Planning Board upon correction.

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

SCOTT WARNER SUBDIVISION

1605 Kingdom Road Tax Map ID# 038-03-25.0

Mr. Scott Warner was present to address the Board.

Mr. Geiss reviewed County comments with the Board.

Mr. Geiss stated you have 20.54 acre parcel that you are dividing off 11.493 acres.

Motion

Mr. Geiss asked the Board to entertain a motion to approve the Scott Warner Subdivision at 1605 Kingdom Road Tax Map ID # 038-03-25.0. This is a subdivision which total 20.54 acres to form a new lot of 11.493 acres. The following conditions were that the applicant obtain a permit for any proposed driveways and also work with the County. Secondly, the applicant will get the Department of Health involved for septic approval for service to this property. Also there will be a parks fee which will be \$150 that the applicant will need to pay this for the establishment of a new residential lot. Mr. Ruddock moved to accept the motion seconded by Mr. Virginia. Motion carried unanimously.

WHEREAS Town Code Section 175-5 (C) establishes the criteria for the reservation of parkland on residential subdivision plats or the imposition of a sum of money in lieu thereof; and

WHEREAS, the purpose of such a provision is to prevent deterioration in the quality of park and recreational services to residents in the Town of Van Buren as a result of a new residential development; and

WHEREAS, based on the present and anticipated future needs for park and recreational facilities in the Town relative to the projected population growth in the Town to which the Warner subdivision will contribute, a proper case exists for requiring that a park or parks be suitably located for playground or other recreational purposes within the Town; and

WHEREAS, a suitable park or parks of adequate size to meet the Town's requirements cannot be properly located within the Warner subdivision, nor is there a need for such additional facilities in the immediate neighborhood,

NOW, THEREFORE, BE IT RESOLVED that a proper case exists regarding the Warner Subdivision development for requiring the developer pay a park fee of \$150 per lot.

WHITMORE FARM AMENDED SUBDIVISION

7197 Kingdom Road Tax Map ID# 45-02-04.3

Mr. Steve Sehnert was present to address the Board.

Mr. Geiss reviewed County comments with the Board.

Mr. Sehnert stated the Whitmore's owned a 160 acre farm on the west side of Kingdom Road.

Mr. Sehnert stated several years ago they divided a lot out of the 160 acre farm.

Mr. Sehnert stated the applicant would like to reduce the size of lot 1 to a parcel that has a small amount of square footage.

Mr. Sehnert stated that parcel contains a barn.

Mr. Sehnert stated there is currently a house at 7197 on this property, a garage and some other buildings.

Mr. Geiss stated the total farm is about 160 acres, correct?

Mr. Sehnert stated correct.

Motion Mr. Geiss asked the Board to entertain a motion to approve the Whitmore Farm Amended Subdivision at 7197 Kingdom Road Tax Map ID# 45-02-04.3. The applicant submitted a map dated June 30, 2016 with no revisions. This is to form a lot 1 A of 2.06 acres with the remaining approximately 1.4 acres to go back into the main farm which is 160 acres. There is an existing house on lot 1 A. Therefore there will be no park fee involved with this. 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 Riccelli Northern LLC Site Plan at 6900 Van Buren Road Tax Map ID# 55-08-18.

Mr. Geiss waived the reading of the public notice.

Mr. Bob Finkle was present to address the Board.

Mr. Finkle stated I have a couple of exhibits that are slightly different than what we presented to you.

Mr. Finkle stated Riccelli Northern has proposed to remove the existing plant and replace it with new plant.

Mr. Finkle stated the existing plant approximately sits in the center of building lot within the setbacks.

Mr. Finkle stated the new plant will be a little further to the north and drop down between 8 and 10 feet behind a retaining wall.

Mr. Finkle stated we do have a report that we will give to you tonight that is for a noise study.

Mr. Finkle stated we have submitted a complete SWPPP to the Town Engineer but have not heard back any comments as of yet.

Mr. Paul Griggs was present to address the Board.

Mr. Griggs stated my responsibility on this project was to review the noise studies that had been done in 2008 and to update them as well.

Mr. Griggs stated I have some figures here to have the Board review.

Mr. Griggs stated this handout shows the sound levels that would be expected with the new plant location.

Mr. Griggs stated the first column is if we were to operate the crusher during night time hours which the Town Code identifies as 11p.m. to 7 a.m. and the second column as if we didn't operate the crusher at the night time hours.

Mr. Griggs stated there is allowable maximum sound level from 7 a.m. to 11 p.m. of 70 decibels at the property line.

Mr. Griggs stated and from 11 p.m. to 7 a.m. it is 60 decibels at the property line.

Mr. Griggs stated the 2008 analysis, I have continued with this.

Mr. Griggs stated you can see with this chart that with all the equipment operating at the same time we are below 60 decibels at all times.

Mr. Bruce Letts was present to address the Board.

Mr. Letts stated there was a couple of items mentioned in regards to the County comments. One regarding that County recommend with check with SHPO for cultural resources and that was done by the original applicant and none were found.

Mr. Letts stated as far as County DOT permit we do show on the plans paving in the right of ways so we will need a permit to do so.

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

Mr. Geiss stated I do have two comments that I will read from the neighbors.

Mr. Geiss stated the first being from Brad Dombroske.

Mr. Geiss stated the second letter being from Steve and Jonni Dombroske.

Thank you for the opportunity to discuss my concerns in this forum.

Several years ago the residents of the Town of Van Buren came to a similar meeting and listened to a similar presentation regarding the asphalt plant. At that time I spoke and addressed what I believed would be a negative impact to our community due to the smell, potential health risks, noise, and increased traffic. I was told that because of the system that was being installed, these concerns would not be an issue. Once operations began it quickly became apparent that we did in fact have a serious impact to our quality of life and when we addressed that with the board, EPA, etc. We were informed that the plant described to us was not installed but instead an older, less efficient plant was. At this time the board and the town did nothing. For several years we have had a significant decrease in the quality of our lives and decrease in our property value due to this plant. The smell is unbearable most days and the noise level is above the DB rating for the town when measured at our property line. We have consistently informed the town of these issues, and again, the town has done nothing.

We now are faced with another change to the plant. Again we are told that a newer more efficient plant will be installed and that we will have fewer issues. At the same time we are being told that the production from this plant will be doubled. Any sensible person would realize that with increased production we will have increased issues. More production means; more rock crushing, more aggregate, more heating of aggregate, more trucks, more noise and most significantly the pouring of more asphalt into the trucks. This increase will produce more traffic, more noise, and the release of more toxic chemicals and odors into the atmosphere.

As recently as September 9th, 2016 the plant was operating all day until approximately 9:30 pm. The smell was, as usual, unbearable, and the sound when measured at the property line was over 65 dB avg. per min. With the opportunity we have here I expect the town to finally step up and do something about this nuisance to our community. I ask for the production to be reduced and for the hours of operation to be limited to 8:00am – 5:00pm Monday-Friday with NO exceptions for night time or weekend work. It is time for the board to finally take the interests of its residents and community over the profits of a large corporation.

Respectfully,

Brady Dombroske

6809 Van Buren Rd

Warners, NY 13164

TOWN OF VAN BUREN
SEP 13 2016
CODES OFFICE

No one else spoke.

Mr. Geiss closed the public hearing.

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

RICCELLI NORTHERN LLC SITE PLAN

6900 Van Buren Road Tax Map ID# 55-08-18

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 type I action under SEQR for the Amended Site Plan for Riccelli Northern LLC at 6900 Van Buren Road Tax Map ID # 55-08-18. An original SEQR was submitted with the original submission of an asphalt plant on this project for this site it is proposed that we ratify and reaffirm the SEQR at that time recognizing a few new items that come up with this revised site plan. This site plan has relocated the on-site traffic pattern and in so doing has moved the site further to the north and west and also at a lower location and this will improve the noise levels on the site. The proposal for this amended site plan is to utilize the new storm water plan which is located along Van Buren Road. There is no adverse environmental impact with regards to this proposal. Mr. Ruddock moved to accept the motion seconded by Mr. Virginia. Motion carried unanimously.

Mr. Geiss reviewed the County comments with the applicant.

Mr. Bob Finkle was present to address the Board.

Mr. Geiss stated one of the issues was the operation last Friday night with the noise and the odor and the neighbors referenced it went on until 9:30 p.m.

Mr. Geiss stated the Town was not aware that the plant was operating.

Mr. Geiss stated we will need to look up the hours of operation.

Mr. Geiss asked what are your hours of operation?

Mr. Richard Riccelli state the full EAF has the hours listed. They also put as need by job throughout week as well as Saturday.

Mr. Finkle stated as previously submitted the hours of operation were 6 a.m. to 6 p.m. Monday through Friday and 7 a.m. to 3:30 p.m. on Saturday. There will be no operations on Sundays or holidays.

Mr. Finkle stated there may be situations where we will need to run beyond normal hours as such circumstances may occur.

Mr. Geiss asked is there a necessity to be doing crushing at night or on the weekends?

Mr. Finkle stated since the project has been taken over by Riccelli there has been no crushing to date.

Mr. Griggs stated in reviewing the 2008 noise study I was looking at the noise levels that were presented for the crusher in there and the sound level that they cited in there was for a stone crusher. The sound level for a rock crusher would be significantly lower.

Mr. Finkle stated we discussed at our last meeting measures we were looking at to decrease the

noise and one being the relocation of the plant further to the north and the lowering of the plant. We also talked about backup alarms.

Mr. Virginia stated when Spano was in with the Board they had the rock crusher at the plant.

Mr. Virginia stated where the bins are is this where you will be putting the crusher?

Mr. Finkle stated that is correct.

Mr. Virginia stated so you will be moving it closer to the residential area.

Mr. Finkle stated no it will be slightly further away from the residential area.

Mr. Virginia stated so you will be moving if further north.

Mr. Finkle stated correct.

Mr. Virginia asked where is it today?

Mr. Finkle stated is does not exist today.

Mr. Virginia asked when you bought this wasn't the rock crusher there?

Mr. Finkle stated no.

Mr. Virginia stated so the previous owner took the rock crusher with him.

Mr. Finkle stated yes.

Mr. Virginia stated so there is no rock crusher there today.

Mr. Finkle stated that is correct.

Mr. Virginia stated so you cannot crush rock therefore this is a concern to me as the neighbors are thinking it is the rock crusher causing the noise.

Mr. Virginia asked so what is it that they are hearing?

Mr. Finkle stated just to clarify there is no rock on site to crush.

Mr. Geiss stated the neighbors did say noise but did not indicate what it was from.

Mr. Geiss asked will you be hooked up to electric rather than using a generator?

Mr. Finkle stated we already have an application in and we expect to have that prior to operation in April of 2017.

Motion Mr. Geiss asked the Board to entertain a motion to approve the Amended Site Plan for Riccelli Northern LLC at 6900 Van Buren Road Tax Map ID# 55-08-18. This is per the map dated July 18, 2016 and September 2, 2016 with the following conditions:

- 1) The applicant comply with DOT requirements to meet the commercial driveway needs.
- 2) The SWPPP needs to be reviewed and approved by the Town Engineer.
- 3) The applicant will run the operation on propane and natural gas when it becomes available.
- 4) The applicant will obtain electric power for this facility as soon as possible and continue its application and if this should not happen before start up the Town will be informed.
- 5) The crushing will occur Monday through Friday 7:30 a.m. to 5 p.m. on site.
- 6) The applicant will have a new type of back up alarms on onsite equipment such that this will reduce the noise level.
- 7) The applicant will limit aggregate deliveries between 7:30 a.m. and 5:30 p.m. Monday through Friday and Saturday from 7:30 a.m. to 3:30 p.m.
- 8) The applicant will conduct, once operation is started, a noise study to validate the noise readings that have been submitted as part of your process. Should the noise level not meet the readings the applicant will be back before the Board for their review.
- 9) The applicant will comply with all NYS DEC air quality regulations.
- 10) The applicant will give a 5 day notice or as soon as they are aware that they will have to deviate and will inform the town during the Town's normal working hours.

11) The noise study should be submitted on company letterhead and signed as well. Mr. Ruddock moved to accept the motion seconded by Mr. Kiselica.

ROLL CALL VOTE:

	Aye	Nay	Other
Joe Kiselica	√ _____	_____	_____
James Virginia	√ _____	_____	_____
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 Aldi Variance at 2254 Downer Street Tax Map ID # 33.1-05-04.1.

Mr. Geiss waived the reading of the public notice.

Mr. Kurt Charland was present to address the Board.

Mr. Charland stated we are requesting a signage for 184 sq ft above the code.

Mr. Charland stated also a 76 sq ft pylon sign of 56 sq ft over code.

Mr. Geiss stated you are requesting a signage of a total of 304 sq. ft.

Mr. Charland stated the building faces the road and there is signage on two sides.

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

Mr. Mario D'Arrigo spoke in favor of this.

No one else spoke.

Mr. Geiss closed the public hearing.

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

ALDI INC SITE PLAN

2254 Downer Street Tax Map ID# 33.1-05-04.1

Mr. Geiss reviewed the County comments with the applicant.

Mr. Kurt Charland was present to address the Board.

Mr. Charland stated since we were in last time the parking and the landscaping have been updated.

Mr. Charland stated we have added a green space out front.

Mr. Charland stated we have reduced the parking by a few spaces as well.

Mr. Charland stated we submitted a traffic study to you last time but we have yet to submit it to DOT but I was hesitant to submit a plan that we were not sure of so we waited until after we receive site plan approval and then we will submit this to them.

Mr. Geiss stated the SWPPP needs to be revised but our Town Engineer does not see a problem with it.

Motion Mr. Geiss asked the Board to entertain a motion to approve the site plan for Aldi Inc. at 2254 Downer Street Tax Map ID# 33.1-05-04.1. This is per map date July 20, 2016 with revision date of August 16, 2016 with the following conditions. The applicant will get us a signed and stamped plan. The applicant will submit a landscape plan for this project for the Board to review. The applicant has submitted a traffic study to the Town Engineer but this needs to be submitted to County DOT along with the Engineers review and the applicant needs to comply with the requirements. The applicant will complete a wetland delineation and coordinate with the Corps when needed. The applicant is going to submit to DEP for sewer connection. The applicant will prepare a phase I SHPO review for this project site and we would like that submitted to the Town. This is compliant that the applicant obtains the variance for the signage. No approval for signage has been approved as of yet. Mr. Kiselica moved to accept the motion seconded by Mr. Ruddock. Motion carried unanimously.

ALDI INC VARIANCE SECTION 200-54 (B) & 200-59 (F)
2254 Downer Street Tax Map ID# 33.1-05-04.1

Resolution as follows:

**RESOLUTION NO. 1608
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

ALDI, Inc. – Tully Division seeks variance relief from Sections 200-54(B)(1) and 200-59(F)(2) of the Town of Van Buren Zoning Code related to the proposed signage for a grocery store facility located at 2254 Downer Street (Tax Map No. 33.1-05-04.1). Applicant has applied for approval to allow (1) a total sign area of 304 square feet, and (2) a pylon sign consisting of 76 square feet. The Property is located in the Local Business (LB) Zoning District.

Because Section 200-54(B)(1) of the Zoning Code limits the total of all signage on a lot to one square foot for each linear foot of the structure or building frontage occupied by each

business conducted on the premises, Applicant's signage cannot exceed 120 square feet. Applicant's proposal exceeds the maximum permitted square footage by 184 square feet.

Under Section 200-59(F)(2), in commercial areas zoned Local Business, one freestanding sign may not exceed 20 square feet in area. Applicant requests variance relief in the amount of 56 square feet, so as to construct a pylon sign with a total area of 76 square feet.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners of Pending Action, Short Environmental Assessment Form, and illustrations with detail specifications of the proposed signage prepared by Fairmont Sign Company.

Lew Kibling and Kurt Charland, Project Manager for Bergmann Associates, first appeared before the Board on behalf of the Applicant on August 16, 2016, offering the Board an overview of its proposal and addressing the Board's preliminary concerns. The public hearing was opened on September 14, 2016, and Kurt Charland again appeared on behalf of the Applicant to describe the proposal and address the concerns of the Board and members of the public. 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 an unlisted action under the State Environmental Quality Review Act. 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 variance relief. The Property is not located in a critical

environmental area and the proposed signage will not pose any significant impact upon water, air, agricultural resources, or community character and growth.

2. With regard to the variance relief sought from Sections 200-54(B)(1) and 200-59(F)(2), it is determined that the requested variance relief **will not** alter the essential character of the neighborhood. It is recognized that the surrounding neighborhood is commercial in nature and consists of parcels with both pylon signs and signage affixed to structures that are similar to that which are proposed for the Property. It is recognized that the alleged hardship **does not** apply to a substantial portion of the district or neighborhood.

3. It is determined the requested area variances seeking to increase the square footage of the proposed signs **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Due to the size of the proposed structure and the proposed height of the pylon sign, the benefits sought by Applicant **cannot** be achieved by any other feasible method. The proposed signage **will** be consistent in size and dimension to the signage of nearby commercial properties. The proposed variances from Sections 200-54(B)(1) and 200-59(F)(2) of the Zoning Code will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or LB District. The benefit to Applicant **does** outweigh any detriment to the neighborhood or community as a result of granting the variance relief and the variances requested **are** the minimum relief necessary to allow Applicant relief from the Town's Zoning regulations.

4. For the reasons set forth, the requested variances are **granted** to allow for the grocery store facility located at 2254 Downer Street (Tax Map No. 33.1-05-04.1) to have (1) a total sign area of 304 square feet, and (2) a pylon sign consisting of 76 square feet.

Dated: September 14, 2016

Anthony Geiss, Jr., Chairman

Zoning Board of Appeals
Town of Van Buren

Roll Call Vote:

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

MARION MEADOWS PRELIMINARY PLOT PLAN AMENDED

Ellsworth Road and Van Buren Road Tax Map ID# 031-02-03, 031-02-04.1 & 031-02-06.2

Mr. Mario D’Arrigo was present to address the Board.

Mr. D’Arrigo stated we are here tonight to amend the preliminary plans to move this line where it is currently.

Mr. D’Arrigo stated we did not initially design this plan and part of the problem we see is there is a very large easement that runs through here.

Mr. D’Arrigo stated by moving this line we are not creating any smaller lots they are not in the subdivision already.

Mr. D’Arrigo stated we have an application currently before the Town Board to amend the PUD.

Mr. Geiss asked you will be coming back to us next month for final plot approval?

Mr. D’Arrigo stated for phase II yes.

Mr. D’Arrigo stated we will have phase III hopefully by the end of the year.

Motion Mr. Geiss asked the Board to entertain a motion to approve an amendment to the preliminary plot plan for Marion Meadows for lots 79 through 83. This amendment would make the rear lot line continuous with the other lots along Milan Way. This is per the applicants map dated April 1, 2013 as amended and revised on July 12, 2016. With regards to SEQR this has been previously completed for the entire project and this action is accordance with the original SEQR. We are ratifying and reaffirming SEQR. Mr. Ruddock moved to accept the motion seconded by Mr. Bowes. Motion carried unanimously.

Motion Mr. Geiss asked the Board to entertain a motion to send a positive recommendation to the Town Board for amending the PUD for Marion Meadows at Ellsworth and Van Buren Road. The amendment is to include the changing of the rear lot lines for lots 79 through 83. 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 call a public hearing for John LeFevere for a Variance Section 200-45 at 130 Hosmer Drive Tax Map ID # 061-02-19.0.

Mr. Geiss waived the reading of the public notice.

Mr. John LeFevere stated I am trying to get a 20' by 20' garage on my property.

Mr. Geiss asked this property is located on Hosmer and Snowdale correct?

Mr. LeFevere stated correct.

Mr. Geiss stated you are looking to build a detached garage.

Mr. LeFevere stated yes.

Mr. Geiss stated you previously had approval to reduce the side yard setback 12 feet.

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.

JOHN LEFEVERE VARIANCE SECTION 200-45

130 Hosmer Drive Tax Map ID # 061-02-19.0

Mr. John LeFevere was present to address the Board.

Mr. Geiss stated you will be floating this foundation.

Mr. LeFevere stated yes.

Mr. Geiss stated as you look down but you can't see a lot of it because of the trees, the rest of the buildings line up with the edge of your existing home.

Mr. LeFevere stated the garage will be three feet from the house.

Mr. Geiss stated I feel like this will put you out right into the road.

Mr. Geiss asked who converted the garage?

Mr. LeFevere stated it was there when we got here.

Mr. Ruddock asked what rooms do you have in your house that are on the south side that will be looking at the garage?

Mr. LeFevere stated the living room.

Mr. LeFevere stated the water shutoff is on the right side of the house.

Mr. Ruddock asked could you consider doing a 14' by 24' garage?

Mr. LeFevere stated I can't because of the trees.

Mr. Ruddock stated how about we give him 2 feet and make it 16' by 20'.

Mr. Geiss stated I can agree to that.

**RESOLUTION NO. 1609
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

John LeFevere of 130 Hosmer Drive has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code related to the location of a proposed detached garage. The property, which is located in the R10 District and is identified as Tax Map No. 061.-02-19.0 (the “Property”), is situated on the corner of Hosmer Drive and Snowdale Drive.

Mr. LeFevere spoke in favor of the application and described the proposed construction of a detached garage measuring 20 feet by 20 feet. A front yard setback variance is required because the proposed detached garage is to be located 6 feet from the front yard property line and Section 200-45 requires the front yard setback for residential structures to be 30 feet and the front yard setback for detached accessory structures to be the existing building line. There was no objection to the proposal at the Zoning Board of Appeal’s public hearing, which was held on September 14, 2016, pursuant to public notice. Discussion ensued concerning the negative impact the proposed detached garage will have upon sight distance for traffic on Snowdale Drive and Hosmer Drive.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form and a copy of the Zoning Board of Appeals’ Negative Declaration, dated June 19, 2006, relative to Applicant’s prior request for variance approval to locate a detached garage 12 feet from the front yard property line. Applicant **did** provide a survey showing the location of the house and proposed garage on 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 an individual setback and 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. The proposed 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 as a result of granting the variance relief.

4. An area variance is hereby **granted** to allow for the location of a detached garage, measuring 16 feet by 20 feet, on property located at 130 Hosmer Drive, Tax Map No. 061.-02-19.0, which will be located 10 feet deep off the front yard property line in accordance with the materials contained in Mr. LeFevere’s application packet. Any additional structures shall require additional review and approvals.

Dated: September 14, 2016

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

Roll Call Vote:

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

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 10:15 p.m.

Respectfully Submitted,
Melissa MacConaghy
Zoning/Planning Board Secretary