

Regular Meeting of the Town Board of the Town of Van Buren held on August 16, 2023 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

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| Mr. Robert Grover | Councilor |
| Mrs. Jennifer Sullivan | Councilor |
| Ms. Darcie Lesniak | Councilor |
| Mr. Howard Tupper | Councilor |
| Mr. Richard Zaccaria | Town Supervisor |

Absent:

Mr. Michael Hulchanski, Councilor
Mrs. Wendy Van Der Water, Councilor

Also Present:

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| Ms. Nadine Bell | Town Attorney |
| Mr. Jason Hoy | Town Engineer |
| Mr. Doug Foster | Highway Superintendent |
| Mrs. Lynn Precourt | Town Clerk |

Pledge of Allegiance and Roll Call.

Approve Meeting Minutes of August 2, 2023:

158-23-000 MOTION BY Mr. Tupper, seconded by Mrs. Sullivan, to approve the minutes of the Regular Town Board Meeting held on August 2, 2023 as published.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Citizens Comments: None

Approve vouchers:

159-23-007 MOTION BY Mrs. Sullivan, seconded by Mr. Grover, to approve payment of claims 230964, 230966, 230970, 230972, 230994 through 231005, 231005 through 231031, 231033 through 231035, 231050 through 231057 in the amount of \$156,690.92.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Public Hearing for CDS Housing zone change request:

160-23-000 MOTION BY Ms. Lesniak, seconded by Mrs. Sullivan, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on August 9, 2023.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Mr. Al Yager and Mr. Pat Pinkerton were present to address the Board. Mr. Yager said they are requesting the zone change to build 70 apartment units. He said the one and two bedroom units will be in the larger building and the three bedroom units will be in the two townhouse-like buildings. He said the three bedroom units will have one bedroom on the first floor.

Mr. Grover asked what the timeframe is for completion.

Mr. Pinkerton said they hope to be operational in 2026.

Ms. Bell said the town has not received county comments back from SOCPA so the Board will have to consider approval at the next meeting.

Mr. Zaccaria asked if there was anyone to speak in favor or against this proposed zone change. No one spoke.

161-23-000 MOTION BY Ms. Lesniak, seconded by Mrs. Sullivan to close the public hearing and resume the regular meeting at 7:10 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Public Hearing for Ext. No. 1 of Village Green Sewer District No. 4:

162-23-000 MOTION BY Ms. Lesniak, seconded by Mr. Grover, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Post Standard* on August 6, 2023.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Mr. Hoy said a property owner on O'Brien Road submitted a plan to connect to the sewers on Niblick Circle and this is the procedure needed in order to tax them for the service.

Mr. Zaccaria asked if there was anyone speak in favor or against this proposed district extension. No one spoke.

163-23-000 MOTION BY Ms. Lesniak, seconded by Mr. Grover, to close the public hearing and resume the regular meeting at 7:12 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Consider zone change request for CDS Housing:

Mr. Zaccaria said we are waiting on comments from SOCPA to act on this request.

Approve Ext. No 1 of the Village Green Sewer District No. 4:

164-23-045 Councilor Lesniak moved and Councilor Grover seconded the following resolution.

WHEREAS, the Town Board of the Town of Van Buren (the “Town Board” and the “Town”, respectively), in the County of Onondaga, State of New York, received a Petition pursuant to Article 12 of the Town Law, for the establishment of the for the establishment of the Van Buren Sanitary Sewer District #4, Extension No. 1 (the “Sewer District Extension”) in an area generally known as Tax Map No.: 064.-01-33.1, Town of Van Buren, New York, which Petition is signed by the owner of the taxable real property situate in the proposed Sewer District Extension, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed Sewer District Extension, as shown upon the latest completed assessment roll of said Town, and including the signatures of resident owners of taxable real property owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed Sewer District Extension, owned by resident owners according to the latest completed assessment roll; and

WHEREAS, all costs in connection with the Sewer District Extension, including all legal and engineering expenses incurred by the Town, and all costs of construction of the water facilities necessary to serve said Sewer District Extension and also all costs and expenses incidental to the acquisition of necessary lands and rights-of-way therefore will be paid by the petitioner, its grantees, successors or assigns, who will subsequently execute, if necessary, an instrument conveying title to all or such portions of such water facilities including lands or rights-of-way that may be required by the Town Board of the Town of Van Buren, free and clear of all liens and encumbrances, to the said Sewer District Extension at no expense to said District as extended or the Town of Van Buren; and

WHEREAS, an order was duly adopted by the Town Board on August 2, 2023 for the hearing of all persons interested in the matter on the 16th day of August, 2023 at 7:00 p.m., or as soon thereafter as the matter could be heard, at the Town Hall in said Town and the hearing by the said Town Board having been duly held at such time and place, and proof of posting and publication of the notice of said hearing as required by law having been received by the Town Board, and the Town Board having heard all persons interested in such matter; and

WHEREAS, the plans for construction of the improvements within the Sewer District Extension are satisfactory and meet the requirements of the Town, subject to inspection by the Town Engineer at petitioner's sole cost and expense upon installation of the facility extensions therein; and

WHEREAS, the permission of the State Comptroller shall not be required for the extension of said District nor the construction of said improvements since the Town shall not be required to finance the cost of said improvements by the issuance of bonds, notes, certificates, or other evidences of indebtedness of the Town; and

WHEREAS, on August 2, 2023, the Town Board also determined that the Sewer District Extension and construction of improvements therein will have no significant effects on the environment and that such determination constituted a negative declaration for purposes of environmental review.

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that:

A. The petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient;

B. All the property and property owners within the proposed district extension are benefited thereby;

C. All the property and property owners benefited are included within the limits of the proposed district extension;

D. It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that all future costs and expenses of operation, maintenance and improvements in said District, including those relative to the Sewer District Extension which is the subject of this resolution, shall be assessed, levied and collected from the several lots and parcels of land within the entire area of said Van Buren Consolidated Water District, Extension No. 2, in an area generally known as Tax Map No.: 064.-01-33.1, Town of Van Buren, New York, deemed benefited thereby in proportion to the amount of benefit conferred upon same; and it is further

RESOLVED, that the said Van Buren Sanitary Sewer District #4 hereby be established and extended in said Town of Van Buren, Onondaga County, New York, to include the description and boundaries as set forth in Schedule "A", as hereinbefore described to be known as Van Buren Sanitary Sewer District #4, Extension No. 1, and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be recorded and filed in accordance with the provisions of Article 12 of the Town Law.

Roll Call Votes: Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

SCHEDULE "A"

Legal Description of Ext. No. 1 of Village Green Sewer District Ext. No 4

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Van Buren, County of Onondaga and State of New York, being part of Farm Lots 15 and 23 in said Town, more particularly described as Lot 3A, according to a map entitled Cannata Meadows Amended, dated March 26, 2010, prepare by Ianuzi & Romans Land Surveying, P.C. and filed in the Office of the Onondaga County Clerk on April 4, 2011 as Map No. 11346.

Being the same premises conveyed by L.C. Enterprises, LLC to Jeffrey D. Hill and Sarah N. Hill by Warranty Deed dated May 4, 2017 and recorded in the Onondaga County Clerk's Office on May 5, 2017 in Book 05423 of Deeds at Page 0770.

Also described as

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Van Buren, County of Onondaga and State of New York, being part of Farm Lots 15 and 23 in said Town and more particularly described as;

Beginning at a point, the north west corner of property owned by Bruce E. Johnstone, III located on O'Brien Road and set forth in the Deed to said property recorded in the Office of the Onondaga County Clerk at Book of Deeds 4960, Page 30 (point of beginning),

Thence, S 34° 09' 54" E a distance of 255.99 feet to a point on the east side of O'Brien Road,

Thence, S 55° 50' 06" E a distance of 192.00 feet to a point, being the south east corner of property now or formerly owned by McKeen as set forth in Book of Deeds 3401 at Page 198 and recorded in the Office of the Onondaga County Clerk,

Thence, S 34° 09' 54" W a distance of 100.00 feet along the easterly property line of the McKeen,

Thence, N 55° 50' 06" W a distance of 192.00 feet along the west side of the McKeen property to a point on the east side of O'Brien Road,

Thence, S 34° 09' 54" W a distance of 43.95 feet along the easterly side of O'Brien Road to a point also being the north west corner of lands owned by Hillview Community Baptist Church as set forth in a Deed recorded in the Onondaga County Clerk's Office at Book of Deeds 3401 at Page 198,

Thence, S 45° 36' 56" E a distance of 766.45 feet along the north side of said Church property, to a point,

Thence, S 52° 38' 04" W a distance of 314.63 feet along the south side of said Church property, to a point,

Thence, S 40° 20' 56" E a distance of 335.73 feet to a point,

Thence, S 31° 33' 50" E a distance of 731.60 feet to a point,

Thence, S 85° 27' 35" E a distance of 335.43 feet to a point,

Thence, N 05° 20' 24" E a distance of 195.89 feet to a point,

Thence, N 29° 00' 00" W a distance of 584.42 feet to a point,

Thence, N 61° 00' 00" E a distance of 265.92 feet to a point also being the south west corner of Lot 2 as shown on the Final Plat of Cannata Meadows Amended, filed in the Office of the Onondaga County Clerk as Map No. 11346,

Thence, N 29° 00' 00" W a distance of 584.42 feet along the rear westerly property line of Lot 2 Cannata Meadows Amended,

Thence, N 61° 00' 00" E a distance of 295.25 feet to a point on the north side of Lot 2 Cannata Meadows Amended to a point,

*Thence, N 29° 35' 00" W a distance of 630.00 feet to a point,
Thence, N 86° 74' 04" W a distance of 368.47 feet to a point,
Thence, S 34° 09' 54" W a distance of 222.00 feet to a point,
Thence, N 55° 50' 06" W a distance of 191.99 feet to the point, being the point and place of beginning, and containing +/- 29.77 acres of land and as further known as Lot 3A of the Cannata Meadows Amended, Final Plat, prepared by Ianuzi & Romans, P.C. dated March 26, 2010 and recorded in the Office of the Onondaga County Clerk on April 4, 2011 as Map No. 11346.*

Accept donation of AED from Corporal Kyle Schneider Foundation for Van Buren Central Park:
Mr. Zaccaria said this is the 1st of two they are donating and this particular one will be placed at Van Buren Pool.

165-23-000 MOTION BY Mrs. Sullivan, seconded by Mr. Grover, to accept donation of AED from Corporal Kyle Schneider Foundation for Van Buren Central Park.
Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Refer PUD for Tax Parcel 031.-01-03-08.0:

Ms. Bell said this is property on Van Buren Road, the owners currently have a PUD but it does not include outdoor sales and storage so they are seeking to change the current uses.

Ms. Bell said this resolution acknowledges their request and refers it to the Town Planning Board for their review and recommendation. It will also need to be referred to SOCPA.

166-23-052 Councilor Sullivan introduced proposed Local Law No. F-2023, titled “A Local Law to Amend the Town of Van Buren Zoning Map with Respect to Permissible Uses in the Planned Unit Development (PUD) District Encompassing Tax Map Parcel No. 31.-03-08,” which Local Law would adopt a revised development plan for the PUD Zoning District that encompasses all of the Tax Map Parcel identified as number 31.-03-08, located on Van Buren Road, to add outdoor commercial storage, displays, and sales of sheds and patio furniture, and the outdoor storage and display of truck rentals and truck trailer rentals (which shall not otherwise include the storage or sales of vehicles or equipment), as permitted uses, as shown on the revised PUD site plan and zoning map, which was seconded by Councilor Grover, to wit:

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Van Buren; and

WHEREAS, the creation and amendment of a Planning Unit Development District is a legislative act subject to the requirements and procedure as set forth in Sections 200-33(B) and (C) of the Town of Van Buren Zoning Regulations.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. F-2023 is an unlisted action, the Town Board shall proceed as lead agency on an uncoordinated basis in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED, that in accordance with Section 200-33 of the Town of Van Buren Zoning Regulations, the Town Board does hereby accept the application to amend the PUD District that encompasses all of the Tax Map Parcel identified as number 31.-03-08,

located on Van Buren Road; therefore, the Town Board does further refer the application and concept plan to the Town of Van Buren Planning Board/ Zoning Board of Appeals for its review and recommendation.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Councilor Committee Reports & Comments:

Mrs. Sullivan thanked the Highway Dept. employees for the quick clean up after the recent storm.

Mrs. Sullivan said the developer of the proposed Crego Road project has submitted an updated traffic study.

Mrs. Sullivan said the recent golf outing to benefit Canton Woods Senior Center was a success. She added they are in desperate need of drivers for the B'Ville Express.

Mr. Grover said the Highway Dept. employees did an outstanding job of making sure all roads were clear and open after the recent storm.

Supervisor Comments:

Mr. Zaccaria thanked the Town of Manlius Highway Dept. for their help in repairing Hoag Road.

Mr. Zaccaria said our Highway Dept. employees did a great job with the cleanup.

Mr. Zaccaria said he is working with the Onondaga County Dept. of Emergency Management to see if our damage assessments will meet the threshold for FEMA relief.

Highway Superintendent Comments:

Mr. Foster thanked his department employees, he said they all came in and stayed until the major cleanup was done. He thanked Town of Manlius Highway Dept. and all the other towns and vendors who quickly offered their help with clean up after the storm.

Engineer Comments: None

Attorney Comments: None

167-23-014 MOTION BY Ms. Lesniak, seconded by Mrs. Sullivan, to recess the regular meeting and go into Executive Session to discuss a personnel matter at 7:21 pm.

Regular Town Board Meeting August 16, 2023

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

168-23-000 MOTION BY Ms. Lesniak, seconded by Mr. Grover, to close the executive Session and resume the regular meeting at 7:41 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

169-23-000 MOTION BY Ms. Lesniak, seconded by Mr. Grover, to adjourn to the next Regular Town Board Meeting on September 6, 2023 at 7:00 pm.

Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Meeting closed 7:41 pm

Respectfully submitted,

Lynn Precourt
Town Clerk

Dated: 8/17/23