

Regular Meeting of the Town Board of the Town of Van Buren held on August 2, 2023 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Mr. Robert Grover	Councilor
Mrs. Jennifer Sullivan	Councilor
Mr. Michael Hulchanski	Councilor
Mrs. Wendy Van Der Water	Councilor
Ms. Darcie Lesniak	Councilor
Mr. Howard Tupper	Councilor
Mr. Richard Zaccaria	Town Supervisor

Also Present:

Ms. Wendy Loughnot	Town Attorney
Mr. Jason Hoy	Town Engineer
Mrs. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Approve Meeting Minutes of July 19, 2023:

139-23-000 MOTION BY Mr. Grover, seconded by Mrs. Van Der Water, to approve the minutes of the Regular Town Board Meeting on July 19, 2023 as published.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Citizens Comments:

Mr. Connor Sullivan, Daboll Road, asked when the Canton Street Bridge will reopen.

Mr. Hoy said the last correspondence he received indicated it would be open before school starts.

Marcia Orr, Old Rt. 31, said she lives next to the property with the house that is being removed because it is unsafe. She said she would like to purchase the property and asked how the structure removal will impact the taxes owed. She also asked about what type of house can be constructed.

Mr. Pete Wilder, Highview Dr., said he has solar panels on his house and asked if there is a formula for how that impacts assessments. If the town does have one he asked that it be available for residents to review.

Marissa Anderson, Cross Country Dr., said she and her neighbors are concerned about the speeding in their neighborhood. She said they would like the town to look into speed limit reduction to 25 mph, more police patrols and solar powered speed radar signs.

Approve vouchers:

140-23-007 MOTION BY Ms. Lesniak, seconded by Mrs. Sullivan, to approve 230219, 230792, 230794, 230937 - 230945, 230947 - 230949, 230951- 230965, 230967 - 230969, 230971, 230973 - 230976, 230990 - 230993 in the amount of \$48,857.39

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Public Hearing for Local Law D-2023 amending annual income ranges for senior citizens and disabled persons:

141-23-000 MOTION BY Mr. Tupper, seconded by Mr. Hulchanski, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on July 26, 2023.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Mr. Zaccaria asked if there is anyone to speak in favor of this proposed local law. No one spoke.

Mr. Zaccaria asked if there is anyone to speak against this proposed local law. No one spoke.

142-23-000 MOTION BY Ms. Lesniak, seconded by Mrs. Van Der Water to close the public hearing at 7:25 pm.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Public Hearing for Local Law E-2023 to establish minimum years of service from five to two for exemptions for volunteer firefighters and ambulance workers:

143-23-000 MOTION BY Mr. Hulchanski, seconded by Mrs. Van Der Water, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on July 26, 2023.

Mr. Grover – Yes, Mrs. Sullivan - Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Mr. Zaccaria asked if there was anyone to speak in favor of this proposed local law.

Mr. Chris Perdue said he is in favor of this local law.

Mr. Zaccaria asked if there is anyone to speak against this proposed local law. No one spoke.

144-23-000 MOTION BY Mrs. Sullivan, seconded by Mrs. Van Der Water, to close the public hearing at 7:27 pm

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Public Hearing to hear comments on unsafe structure at 1672 Old Rt. 31:

145-23-000 MOTION BY Mr. Hulchanski, seconded by Mrs. Van Der Water, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on July 26, 2023.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Mr. Perdue, Code Enforcement Officer, said this structure has been declared unsafe. The owner has moved out of state and is aware of this pending action and has mailed a letter indicating he is in favor of the town taking the structure down. The property owner currently owes back taxes and the amount of the removal will be added to those.

Mr. Perdue answered questions from the owner of a neighboring property about what can be built on the site.

Mr. Perdue said after approval he will notify the owner via email to commence the 30 day notice period and the structure can come down after that time.

Mr. Zaccaria asked if there was anyone present to speak to this matter. No one spoke.

146-23-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Hulchanski, to close the public hearing and resume the regular meeting at 7:34 pm.

Mr. Grover – Yes, Mrs. Sullivan - Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Approve Local Law D-2023:

147-23-030 The following resolution was offered by Mrs. Van Der Water who moved its adoption, seconded by Mrs. Sullivan to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled, a Local Law No. D of 2023 “Amending the Annual Income Ranges for Senior Citizens and Disabled Persons as set forth in Chapter 180 of the Town Code,” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on July 19, 2023; and

WHEREAS, a public hearing was held on such proposed Local Law on the 2nd day of August, 2023 by the Town Board of the Town of Van Buren and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Van Buren in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. D of 2023.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that proposed Local Law D of 2023 is hereby enacted as Local Law No. 4 of 2023, as follows:

**“TOWN OF VAN BUREN
PROPOSED LOCAL LAW NO. 4 of 2023**

**A Local Law Amending the Annual Income Ranges for Senior Citizens and
Disabled Persons as set forth in Chapter 180 of the Town Code**

Be it enacted by the Town of Van Buren Town Board, as follows:

Section 1.

So that the annual income ranges for persons 65 years of age or over as listed in Section 180-5(A) of the Town of Van Buren Town Code, titled “Exemption provided,” shall be revised, in its entirety, as follows:

“Annual Income Ranges	Exemption Percentage
Less than \$50,000.00	50%
More than \$50,000.01 but less than \$50,999.99	45%
More than \$51,000.00 but less than \$51,999.99	40%
More than \$52,000.00 but less than \$52,999.99	35%
More than \$53,000.00 but less than \$53,899.99	30%
More than \$53,900.00 but less than \$54,799.99	25%
More than \$54,800.00 but less than \$55,699.99	20%
More than \$55,700.00 but less than \$56,599.99	15%
More than \$56,600.00 but less than \$57,499.99	10%

“Annual Income Ranges

Exemption Percentage

More than \$57,500.00 but less than \$58,399.99

5%”

Section 2.

So that the annual income ranges for disabled persons as listed in Section 180-8 of the Town of Van Buren Town Code, titled “Exemption provided,” shall be revised, in its entirety, as follows:

“Annual Income Ranges

Exemption Percentage

Less than \$50,000.00

50%

More than \$50,000.01 but less than \$50,999.99

45%

More than \$51,000.00 but less than \$51,999.99

40%

More than \$52,000.00 but less than \$52,999.99

35%

More than \$53,000.00 but less than \$53,899.99

30%

More than \$53,900.00 but less than \$54,799.99

25%

More than \$54,800.00 but less than \$55,699.99

20%

More than \$55,700.00 but less than \$56,599.99

15%

More than \$56,600.00 but less than \$57,499.99

10%

More than \$57,500.00 but less than \$58,399.99

5%”

Section 3. Effective Date

This Local Law shall take effect upon filing with the office of the Secretary of State of the State of New York, as provided in Section 27 of the Municipal Home Rule Law.”

Roll Call Votes: Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Approve Local Law E-2023:

148-23-030 The following resolution was offered by Ms. Lesniak who moved its adoption, seconded by Mr. Grover to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law and the Real Property Tax Law § 466-a, a proposed local law titled, a Local Law No. E of 2023 “A Local Law Amending Section 180-10.4 (F) of Chapter 180 of the Town of Van Buren Town Code” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on July 19, 2023; and

WHEREAS, a public hearing was held on such proposed Local Law on the 2nd day of August, 2023 by the Town Board of the Town of Van Buren and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local

Law having been in the possession of the members of the Town Board of the Town of Van Buren in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. E-2023 has previously been determined to be an Unlisted Action and will have no significant adverse impact on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. E of 2023.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact proposed Local Law No. E of 2023 is hereby enacted as Local Law No. of 2023, as follows:

**“Town of Van Buren
Local Law No. E of 2023**

**A Local Law Amending Section 180-10.4 (F) of Chapter 180 of the Town of Van Buren
Town Code**

Be it enacted by the Town of Van Buren Town Board, as follows:

Section 1.

So that Section 180-10.4 (F) of the Town of Van Buren Town Code is hereby amended pursuant to Real Property Tax Law Section 466-a, so that it shall read in its entirety as follows:

“F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Town of Van Buren, which is hereby established as two (2) years.”

Section 2. Validity and Severability.

If any clause, sentence, paragraph, section, or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.”

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Approve removal of unsafe structure at 1672 Old Rt. 31:

149-23-000

The following resolution was offered by Councilor Van Der Water who moved its adoption, seconded by Councilor Sullivan, to wit:

WHEREAS, in accordance with Article I of Chapter 96 of the Town of Van Buren Town Code, as amended, a hearing was conducted on August 2, 2023, for purposes of receiving and considering evidence presented by Christopher Perdue, the Town of Van Buren Code Enforcement Officer (hereinafter “CEO Perdue”), to determine whether the structure situated on real property located at 1672 Old Route 31, Tax Map No. 047.-01-08.0, in the Town of Van Buren (“Property”) is “dangerous” or “unsafe;” and

WHEREAS, legal counsel for the Town of Van Buren confirmed the issuance of the “Notice of Unsafe Building”, dated July 19, 2023, such Notice having been duly filed in accordance with Section 96-5(A) of the Town of Van Buren Town Code with the Onondaga County Clerk’s Office on July 31, 2023, Index No. 2023-00000527; and

WHEREAS, an affidavit of service by Sheri Schmedicke of the notice of the hearing upon Michael C. Stone, owner of the Property, was duly filed with the Onondaga County Clerk’s Office; and

WHEREAS, during the public hearing, CEO Perdue presented a report he prepared, dated May 10, 2023, documenting the unsafe condition of the Property and the efforts made by the Town to obtain voluntary compliance; and

WHEREAS, CEO Perdue reported to the Town Board that the residential structure on the Property was significantly damaged, citing the collapse of the roof and rear wall, the structural concerns with the eastern wall, and the compromised condition of the foundation block wall on the east and south sides of the structure; and

WHEREAS, CEO Perdue confirmed that, as the Code Enforcement Officer for the Town of Van Buren, it is his opinion that the condition of the Property is unsafe and dangerous in accordance with Chapter 96 of the Town Code; and

WHEREAS, CEO Perdue opined that the residential structure, which exhibits significant structural damage, is in an unsafe condition and is dangerous to the health, safety and general welfare of the public; and

WHEREAS, although Mr. Stone has been in communication with the Code Enforcement Office and has written to the “Building and Code Officer” acknowledging the need for and consent to the structure’s demolition, Mr. Stone did not attend the due process hearing, nor did anyone appear on his behalf; and

WHEREAS, the Town Board closed the public hearing; and

WHEREAS, it is the desire of the Town Board to undertake any and all measures permitted in the Town Code that are necessary to protect the public’s health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED that the Town Board, having duly considered the documentary evidence and oral testimony presented by the Code Enforcement Officer, hereby declares the property located at 1672 Old Route 31, Tax Map No. 047.-01-08.0, to be dangerous and unsafe; and

BE IT FURTHER RESOLVED, that the Town Board, having duly declared the Property dangerous and unsafe, hereby orders the owner or persons with an interest in such Property to demolish and remove the existing residential structure and clear the Property of any and all demolition debris and all excavations filled and graded, so as to comply with the Town of Van Buren Town Code; and

BE IT FURTHER RESOLVED, that such corrective action must occur within thirty (30) days of the date of mailing this Declaration and Order; and

BE IT FURTHER RESOLVED, that in the event corrective action does not occur within the time provided, the Town Board hereby authorizes the Code Enforcement Office to undertake any and all such measures as are necessary to effectuate the demolition and removal of the structure, which shall include the excavation and leveling of the Property; and

BE IT FURTHER RESOLVED, that the Code Enforcement Officer shall file with the Town Board a verified statement of all expenses for the cost of such demolition, excavation and grading if undertaken by the Town of Van Buren, and such costs shall be charged to and reimbursed by the owner of the Property and shall be assessed against the land upon which the structure is located and shall constitute a lien; and

BE IT FURTHER RESOLVED, that notice of the Town Board's Declaration and Order shall be issued in accordance with Section 96-6 of the Town Code.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Approve Crisafulli Trucking to remove unsafe structure at 1672 Old Rt. 31:

150-23-000 MOTION BY Mrs. Van Der Water, seconded by Mr. Grover, to approve payment to Crisafulli Trucking to remove the unsafe structure at 1672 Old Rt. 31 in the amount of \$24,875.00.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Set public hearing for CDS Housing zone change request:

Mr. Al Yeager was present to address the Board on behalf of the developer. He said they are proposing 3 buildings on the site, two townhouse style and one large apartment building. He said there will be 70 units and this is located on Van Buren Road across from Caserta Drive on a five acre site.

151-23-039 MOTION BY Ms. Lesniak, seconded by Mrs. Van Der Water, to schedule a public hearing to hear comments on the CDS Housing application for zone change on August 16, 2023 at 7:00 pm.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Set public hearing for Ext No. 1 of Village Green Sewer District No. 4:

Mr. Hoy said the town is forming this district rather than allow an outside user for taxation purposes.

152-23-039 MOTION BY Mrs. Sullivan, seconded by Ms. Lesniak, to set the public hearing for Ext, No 1 of the Village Green Sewer District No. 4 on August 16, 2023 at 7:00 pm.

Regular Town Board Meeting August 2, 2023

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Approve budget modification per memo from Budget Officer:

153-23-007 MOTION BY Mrs. Van Der Water, seconded by Mr. Hulchanski, to approve the following budget modification:

FROM:	A.1990.0400	CONTINGENCY	\$(21,980.00)
		PARKS EQUIPMENT - irtemp	
		Horizontal Propane Furnace	\$
TO:	A.7110.0200	and Heat Pump System	14,725.00
		BUILDINGS EQUIPMENT -	
		Reznor hanging heater and	\$
	A.1620.0200	Rinnai wall heater	7,255.00
		HVAC FOR PARKS &	
		BUILDINGS	

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Approve referral to Planning Board for recommendation for zoning and special use permit changes for R & R:

Al Yeager was present to represent the current owner. He said this is the former Benwood Auto site on Van Buren Road. He said there is a special use permit for outside vehicle storage for retail sale of parts. The current owner would like to have outside storage for R/Vs, boats and U-Haul trucks on parcels eight and ten shown on the map. These don't fall under the current special use permit. Ms. Loughnot said rather than alter the special use permit it is faster to amend the PUD to allow these uses.

Mr. Perdue said more than an acre of land has been disturbed at the site so a stormwater protection plan (SWPP) is required before a referral can be made.

Mr. Yeager said he cannot prepare a SWPP before the Planning Board meeting and they have not been required to submit that in the past for a referral to the Planning Board.

Mr. Perdue said Planning Board Chairman Budosh removed it from the August 15th Planning Board agenda.

Approve the service credit to be reported to NYS Retirement System for Councilor Robert Grover:

154-23-038 MOTION BY Mrs. Van Der Water, seconded by Ms. Lesniak, to approve .51 days of service credit per pay period to be reported to NYS Retirement based on the record of activities submitted by Councilor Robert Grover.

Mr. Grover – Abstain, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Approve speed limit reduction request for Connors Road between Canton Street and East Sorrell Hill Road:

Mr. Zaccaria said this request will be forwarded to the State DOT for their review.

155-23-046 MOTION BY Mrs. Van Der Water, seconded by Mr. Grover to submit the speed limit reduction request for Connors Road between Canton Street and East Sorrell Hill Road for review.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Approve speed limit reduction request for Pottery Road:

Mr. Zaccaria said the town of Camillus portion of Pottery Road is 35 mph and Van Buren's is 55mph; this request will be to make it all the same at 35 mph.

156-23-046 MOTION BY Mr. Hulchanski, seconded by Mrs. Sullivan, to submit a speed limit reduction request for portion of Pottery Road that is in the Town of Van Buren for review.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mrs. Sullivan said the Parks Dept. is sponsoring a blood drive on August 8th from Noon – 5 pm.

Mrs. Van Der Water said the Canton Woods Board of Directors meeting had to be rescheduled to August 10th.

Supervisor Comments:

Mr. Zaccaria said Bill Tassone passed away, he was a good friend and mentor.

Highway Superintendent Comments: None

Engineer Comments: None

Regular Town Board Meeting August 2, 2023

157-23-000 MOTION BY Mrs. Sullivan, seconded by Mr. Hulchanski, to adjourn to the next regular Town Board meeting on August 16, 2023 at 7:00 pm.

Mr. Grover – Yes, Mrs. Sullivan -Yes, Mr. Hulchanski – Yes, Mrs. Van Der Water – Yes, Ms. Lesniak – Yes, Mr. Tupper – Yes, Mr. Zaccaria – Yes

Motion Carried & Adopted

Respectfully submitted,

Lynn Precourt

Town Clerk