



TOWN OF VAN BUREN
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Zoning/Planning Board	Regular Meeting	August 13th, 2024	6:00 p.m.
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Call to Order
Pledge of Allegiance

Roll Call

Ms. McMahon-Present	Also Present
Mr. Virginia –Present	Town Attorney- Rich Andino
Mr. Sykes- Present	Codes Secretary-Kait Fowler
Mr. Roman-Present	
Mr. Bowes-Absent	
Mr. Schanzenbach-Absent	
Mr. Budosh- Present	

Approval of the July 9th meeting minutes.

Busosh-Chair makes a motion to open a public hearing for **Sherri Wilkinson-7686 Seneca Beach Dr.-Baldwinsville-TAX MAP ID#030.-03-12.2-AREA VARIANCE.**

McMahon-So Moved.

Roman-Second.

Budosh- Hearing First and second, all those in favor, approved we are now in public hearing for-Sherri Wilkinson-7686 Seneca Beach Dr.-Baldwinsville-TAX MAP ID#030.-03-12.2-AREA VARIANCE.

Joe Mastroianni- I am the engineer on this project Ms. Wilkinson is looking to place a garage across the street she lives on the other side of the road, the height is 15' and she is going to 10 x 12 foot doors on the front we have to get a variance for the height since seeing the board last time we proposed a 5 x 12 pitch. I have gone through and worked with a 3 x 12 pitch and it's still going to require a height variance.

Budosh-So for the public's clarification what is the variance you are seeking?

Joe-We are seeking 3.17 feet.

Budosh- 3.17 Feet, Does anyone in the public have any comments for or against this project? Hearing no comments,I made a motion to close the public hearing and go back to the general session.

Sykes-So Moved.

McMahon-Second.

Budosh-Hearing first and second, no comments all those in favor. We are in a general session.

Wilkinson-Sherri Wilkinson-7686 Seneca Beach Dr. Baldwinsville, N.Y.

Budosh-So you're looking for a 3.17 foot variance, which is different from the original of 8 feet.

Mastroianni- Yes I didnt know how it was calculated.

Budosh- Any Comments from the board?

Sykes- I drove by this. There are a couple of homes there that are elevated in height, so this won't stick out like a sore thumb.

McMahon-Agreed.

Budosh- I agree also there is also another structure with the same roof line.Alright I'm going to read the resolution.

RESOLUTION NO.10

OF The ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Sherri Wilkinson (the "Applicant") of 7686 Seneca Beach Drive has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code relating to the proposed 23-foot height of a detached accessory garage structure on property situated in the Residential-10 District (R-10), identified as Tax Map No. 030.-03-12.2 ("Property"). In accordance with Table 200-45, titled "Table of Dimensional Requirements," the building height for a detached accessory structure in the R-10 District is limited to 15 feet.

The Applicant appeared before the Zoning Board of Appeals seeking approval to construct a detached garage structure measuring 23 feet in height. A public hearing on the application was held on August 13, 2024. No one/ neighbors appeared in opposition to the application.

In support of the application, the Applicant submitted an Application for Variance, Notification to Surrounding Property Owners, a Short Environmental Assessment Form, the Final Plan for Seneca Beach Block 3 – 2nd Amended, prepared by J.R.L. Land Surveying, PLLC, dated March 10, 2023, and the following site plan documents, prepared by Mastroianni Engineering, PLLC, dated November 30, 2023:

Title Sheet, Sheet T-1;

Site Plan, Sheet P-1;

Elevations, Sheet S-1; and
Details, Sheet D-1.

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 the requested variance relief will not produce any undesirable change in the residential character of the neighborhood and will/ will not be a detriment to nearby properties. Variance relief to construct a detached accessory garage structure measuring 23 feet in height will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. There is no apparent method to achieve the benefit the Applicant wishes to obtain, other than a variance and the benefit to the 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 detached accessory garage structure measuring 23 feet in height to be built on property located at 7686 Seneca Beach Drive, Tax Map No. Tax Map No. 030.-03-12.2.

Dated: August 13, 2024

Mark Budosh Chairman
Zoning Board of Appeals
Town of Van Buren

Roll Call Vote:
Aye Nay Other
Mark Budosh Aye
James Virginia Aye
James Schanzenbach Other
James Bowes Other
Roger Roman Aye
Claude Sykes Aye
Jesse McMahon Aye

Budosh-Carried all approved.

Budosh- Chair entertains motion to open public hearing for **Todd Schuler -81 Cross Country Dr.-Van Buren-TAX MAP ID #-033.1-05-46.0-AREA VARIANCE.**

Sykes-So Moved.

McMahon-Second.

Budosh-Hearing first and second, All those in favor, carried

Schuler-We have an existing fence there now that is semi private. It stands at 5.5 feet tall. We installed a new pool and we are just looking for more privacy, safety and the fence has seen better days. So we are asking for a variance to install a 6' tall white vinyl privacy fence. I supplied two plans with one showing what is there now and one that shows what the Atlas Fence says we could do .

Budosh- Is there anyone from the audience that would like to speak for or against this action? Hearing no comments. I make a motion to close the public hearing and enter general discussion.

McMahon- So moved.

Roman- Second.

Budosh- Hearing first and second, All those in favor. Motion carried. We are now in general session. Can you state your name one more time?

Schuler- Todd Schuler 81 Cross Country Dr.

Budosh- So this is for a variance of height to change the fence from semi-private 5.5' to a 6' tall privacy fence. Which the allowable height is 3.5' and then you want to go a foot outside the build line.

Schuler- They want to use another panel, 10 inches.

Budosh- Does the board have any comments? He stated that he would be okay with keeping it within the building if the board deems that necessary.

McMahon- This sits far back so there are no issues with sight.

Busosh- There is no line of sight issues. Any comments, Hearing no comments I am going to read the resolution

RESOLUTION NO.11

OF The ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Todd and Lena Schuler of 81 Cross Country Drive have applied for area variance relief from Section 200-72 (B) of the Town of Van Buren Zoning Code relating to the replacement of an existing semi-private fence measuring five feet six inches (5' 6") in height with a vinyl privacy fence measuring six feet (6') in height in their front yard and 10 inch encroachment into the building line. The property is located on the corner of Cross Country Drive and Naylor Circle, and is identified as Tax Map No. 033.1-05-46.0 ("Property"). Pursuant to the Zoning Code, because the parcel has frontage along a public street and a public right-of-way, it has two (2) "front lot lines" and constitutes a corner lot. Mr. Todd Schuler appeared before the Zoning Board of Appeals seeking approval for the placement of a six foot (6') high vinyl privacy fence on the corner lot and 10 inch encroachment of the building line. 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." A public hearing on the application was held on August 13, 2024. During its deliberations, the Board acknowledged that the Applicants are seeking to replace an existing semi-private fence with a more private fence that is six inches (6") higher, and there is no sight distance concerns presented by the proposed variance. As proposed, the higher fence will be situated in the same location as the existing fence with the exception of the 10 inch encroachment on the front side of the garage. No one appeared in opposition to the application. In support of the application, the Applicant submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, a Short

Environmental Assessment Form, and a survey prepared by Ianuzi & Romans Land Surveying, P.C., dated May 11, 2012. 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 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 as it was noted by the Board that there are no line-of-sight issues and the replacement fence is six inches (6") higher than an existing fence and will be installed at the location of the current fence. Variance relief for the proposed fence will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. There is no apparent method to achieve the benefit the Applicant wishes to obtain, other than a variance and the benefit to the Applicant does not outweigh any detriment to the neighborhood or community because of granting the variance relief.
3. An area variance is hereby granted allowing a privacy fence measuring six (6) feet in height to be situated in the front yard along Naylor Circle, on property located at 81 Cross Country Drive, Tax Map No. 033.1-05-46.0, subject to the fence being installed in the location of the existing fence, as depicted on the attached survey.

Sykes-So Moved

McMahon-Seconded

Dated: August 13, 2024

Mark Budosh Chairman
Zoning Board of Appeals
Town of Van Buren

Roll Call Vote:

Aye Nay Other
Mark Budosh Aye
James Virginia Aye
James Schanzenbach Other
James Bowes Other
Roger Roman Aye
Claude Sykes Aye
Jesse McMahon Aye

Budosh-Congrats, You're Approved.

Budosh-Chair makes a motion to open a public hearing for **Clinton Daniels 7112 Kingdom Rd.-Memphis-Tax Map ID# 044.-03-04.3.**

Sykes-So Moved

Roman- Second

Budosh-All those in favor, motion carried we are now in public hearing for **Clinton Daniels 7112 Kingdom Rd.-Memphis-Tax Map ID# 044.-03-04.3. for area variance.**

Clinton Daniels-I am looking to place a pole barn on my property. My house sits about 136' off the road, behind my house is my septic field and then it drops off. I'm looking for an area variance to build the structure 26.4 feet in front of the build line which would make the structure start at 105' off the road.

Budosh-Is there anyone in the audience that would like to speak for or against this project? Again I will ask is there anyone who would like to speak for or against this project? Hearing no comments Chair entertains motion to close public hearing and enter general session.

Roman-So moved

McMahon-Second

Budosh-Hearing first and second all those in favor, approved we are now in general session. Can you state your name for the record?

Daniels-Clinton Daniels.

Budosh- So this is an accessory structure, what will this be used for?

Daniels-It's for storage for my side by side & tractors.

Budosh-You made mention that you would have to add fill and it would come into interference with your septic system. We have talked, several of the board members have driven by and we feel like it is not that much fill to move the structure back

Daniels-About \$12,000 dollars worth.

Budosh- I don't know if we have exhausted all the avenues to meet codes, is there anyway to move this structure further to the south

Daniels-I have a contract with a farmer.

Sykes- We had an application come in a couple months back with the same request and it didn't even make it in front of us, I feel like there has to be consistency.

Virginia- Where does the farming start?

Daniels- Right tight to the barn

Virginia-You lease that? That's 200- 250 square feet, that's not that much to take off the lease.

Daniels- I'm not going to get the money they can come up here and plant around it

Virginia-Draw back from the septic field, if you are swinging by the septic field today have the barn butt up against the septic field and have them swing behind the barn and then down.

Daniels-Don't I need to be able to expand my septic field if I want to add another bathroom to my home.

Virginia-You can go back can't you.

Daniels-It's all wet,wetlands.

Virginia-There is no wetland drawn on the survey, I feel like there are many other ways to meet codes.

Daniels-If I was to build a new house is 80 feet from the road

Virginia-But your building an accessory structure

Daniels-I know but I am just saying I am back far enough. It's the most level and dry there. The building starts at 609 and that two feet of fill to put down all the way back.

Virginia-That's 48 feet if it started at 610. I don't know the distance of the contours, I just feel that there are different avenues.

Daniels- That's going to cost a lot of money.

Virginia- Yeah I mean it's going to have a cost.

Sykes-You can't excavate dirt from near the road?

Daniels-It already drops two feet, if i take more then water is just going to go straight to the barn.

Virginia-What depth do you need?Can you make the barn longer?

Daniels-What do you mean?

Virginia-I mean take the 48 depth at the building line and kick it out towards the Christie property.

Daniels-Spin the building?

Virginia-No change the shape from square to rectangle.

Daniels-Change my barn?

Virginia-Yes.

Daniels-No I need that size barn

Virginia-If you were to move to the building line and kick out to the Christie property.

Daniel-Well that's going to go to farmland that I am in a locked lease.

Budosh-Well we were in a spot like Claude mentioned that projects that have been denied from the codes office before they even get to the board.

Daniels-I feel like I am being penalized for the fact that my house sits far back and that now I have all this frontage and 26 feet is only a car length.

Budosh- We have a bunch of criteria that need to be met.

1. Whether the benefit can be achieved by other means.
2. Whether this is self-created.

Daniel- How is this self created, how far do I need to be from my septic? I believe it is 20 feet.

Virginia- You have to show wetland and the septic on a survey.

Daniels- This is what you asked for at the last meeting

Budosh- You're using the wetlands and septic as an argument.

So we have a couple of choices, we have closed the public hearing, we can do a straw vote now and whatever that decision is that's where it stands or at the next meeting you can have everything ready to show us.

Daniels- Well I need to get a vote, I need this barn to be built, but I believe I have proven why the barn can be built there.

Virginia- That doesn't meet code. The town's code says no accessory structure in front of a principle structure.

Budosh- You could move the barn back behind the build line and you wont need a variance.

Daniels- So I could get a permit if I spend that extra money and I move the barn back.

Budosh- Yes.

Daniels- Okay.

Rich- Just a reminder to the board you have 62 days after closing the public hearing to make a decision.

Budosh- That's why I am saying you will want to come to the next meeting if you still want to proceed with the variance.

Daniels- If I proceed with this what would I need to show?

Budosh- Where the septic system, the wetland. I don't even know if that will get the approval then.

Daniels- Okay.

Budosh- Do you want to proceed with the variance?

Daniels- I'm just going to move the barn back.

Rich- I would just recommend the board to table in the case he changes his mind.

Daniels- I can't wait another month.

Rich- Make a motion to table Clinton Daniel's application.

Budosh-Chair makes a motion to table **Clinton Daniels 7112 Kingdom Rd.-Memphis-Tax Map ID# 044.-03-04.3-Area Variance.**

McMahon-So moved.

Roman-Seconded.

Budosh-Hearing first and second,all those in favor.Motion carried.

Budosh- Next item on the agenda is Peter Cost -6705 Canton St.-Warners-Tax Map ID#053.-01-01.0. area variance for a side yard setback, Can you state your name and address for the record.

Peter Cost- Peter Cost,6705 Canton Street, Warners N.Y.

Busosh- What are you looking to do?

Cost- I am looking to replace my pool, My house sits 15.3' from the property line and the pool sits just 12 feet from the property line, I am looking for the variance to have the pool replaced

Sykes-So it's not in compliance now?

Cost-It's never been in compliance.

Budosh-The pool went down and we are looking to replace it.There are a couple concerns, the survey is really old, what's on the survey is not accurate,if the lot lines are the same.

Cost-Would the town know that.

Budosh- we need to find that out and the distance of the pool and lot line.

Cost-Do I need a survey?

Budosh- I would ask your neighbor.

Cost- What do I need?

Budosh-Two things- somehow we need to know where the lot lines are, the distance of the pool to the lot lines drawn on a survey.We have to go to a public hearing. Does the board have any questions

Virginia-What zone is this?

Budosh- It is R-40.

Virginia- That structure needs to comply with code,Can the structure be moved?

Cost- The way the deck is built there is multiple tiers. If the pool is moved there would be opportunities to hop railing and get into the pool.

Budosh- I would be prepared to talk about those, we have to have you follow the same criteria as the other applicants

Virginia-The deck isn't on the survey. If you want to use that as a point with the five criteria you will need a new survey.

Budosh-So that's what is needed for the next meeting. We have to schedule a public hearing. The Chair makes motion to schedule a public hearing for **Peter Cost -6705 Canton St.-Warners-Tax Map ID#053.-01-01.0. area variance for a side yard setback on September 10th.**

Sykes-Moved

McMahon-Second

Budosh-Any comments hearing no comments, motion carried. Next item on the agenda is Raymond Petrocci-Connors Rd.-Baldwinsville-Tax Map ID#044.-01-03.0 for a subdivision. can you state your name and address for the record.

Raymond Petrocci-Connors Rd. Baldwinsville- I purchased a land locked property from the town with my neighbor in 2001. We are trying to get it legally divided so our kids don't have to deal with it later. I own 80% of the frontage and my neighbors own the other half.

Rich-If it is an existing separate parcel and trying to create three parcels, I would do the subdivision process.

Budosh-It cleans up a landlocked parcel. I don't see an issue and you're not building, there is some confusion with the lines on the survey. Can you explain those a little better for the board.

Petrocci-I own that parcel that you're pointing to and the neighbor owns the other parcel and then to the south the Chamberlains own that.

Budosh-So next meeting you will have to clearly show on the survey what the lot lines are going to be. You will need to get with the surveyor to clearly show who owns what. Chair makes motion to schedule the public hearing for **RAYMOND PETROCCI-CONNORS RD.-BALDWINSVILLE-TAX MAP ID#044.-01-03.0 SUBDIVISION on september 10th**

Sykes-So moved.

McMahon-Second.

Budosh-Hearing first and second, any comments hearing no comments. Motion carried. Next item is **Infinity Solar -6845 E. Sorrell Hill RD.-BALDWINSVILLE-TAX MAP ID#049.-04-06.6 Solar development**

Richard Slader-6845 E. Sorrell Hill RD. We are looking to put a 65 panel ground mounted solar panel for the property owner, Covered by pine trees and both neighbors signed.

Budosh-Where will they be located?

Slader-Southwest corner of the resident's property.

Budosh-You're looking for a set back in the front yard?

Slader-No, Special use permit.

Budosh-Is there anything in the new solar codes Claude?

Sykes-No I don't believe so.

Budosh-What zone is this?

Sykes-this falls under the residential use.

Budosh-So we will see if the county needs comments, Rich do we need them?

Rich-Yes.

Fowler-I sent this to the county for comments for this project and TJA as well.

Sykes-The engineers are going to fix the municipality on the cover sheet?

Slader-Yes.

Budosh- We will need to schedule a public hearing for this.

Slader-Okay

Budosh-Chair makes a motion to set a public hearing for-**INFINITY SOLAR-6845 E. SORRELL HILL RD.-BALDWINSVILLE-TAX MAP ID#049.-04-06.6. special use permit.**

Sykes-So Moved.

McMahon-Seconded.

Budosh-Hearing first and second any comments, no comments motion carried. Next item is **TJA NEW YORK-1320 KINGDOM RD-BALDWINSVILLE-TAX MAP ID#042.-01-03.1-AREA VARIANCE & SITE PLAN AMENDMENT.**

Matt Kerwin-125 East Jefferson St, Syracuse, I am here on behalf of TJA for a project that was previously approved by the board.If you recall there was a special use and area variances granted last spring.The resolution had some discrepancy. We are asking for an amendment of the variance to include the front yard and not just rear and side yard setbacks. This plan now reflects all the setbacks and with the new added parcel,and has allowed us to move the solar arrays from the slopes to the flatter areas in the west.It also allows us to move the access road.

Budosh-Has the storm water management area changed?

Kerwin-No.

Budosh- Chair makes motion to schedule a public hearing for **TJA NEW YORK-1320 KINGDOM RD-BALDWINVILLE-TAX MAP ID#042.-01-03.1-AREA VARIANCE & SITE PLAN AMENDMENT.**

Sykes- So moved

McMahon- Second

Budosh- Hearing first and second, any comments, hearing no comments, all those in favor. Motion carried. Next on agenda is **PEACE INC.-2115 DOWNER ST RD.-BALDWINVILLE-TAX MAP ID#034.-03-17.3 CHANGE OF US.**

Rod Van Der Water- Rod Van Der Water 7515 Morgan Rd. Liverpool. We have remodeled the building from a vet clinic to a daycare, we have repaired both handicap ramps, the outside has pretty much stayed the same, we are looking for the approval from the board and we have received the certificate of completion.

Budosh- So this needs to be seen by the board. Everything meets code with the change of use. The biggest concern the board has is that what's out there is what is shown. The one question I have is signage.

Van Der Water- The sign is going to be just replaced with new and we will need a permit to have it meet code.

Budosh- You have updated the site plan and everything is accurate. Any additional lighting?

Van Der Water- No we have just replaced the lighting that was needed.

Budosh- Any Questions from board.

McMahon- What was previously submitted?

Budosh- There just needs to be a more accurate drawing. Lights needed to be added and ramps needed to be fixed and spaces for parking. Chair makes motion to approve change of use for **2115 DOWNER ST RD.-BALDWINVILLE-TAX MAP ID#034.-03-17.3.**

Sykes- So Moved.

Roman- Second.

Busosh- Hearing no comments, All those in favor, Motion carried. Next item is **KEVIN MCLAUGHLIN-206 LEOPOLD BLVD-BALDWINVILLE-TAX MAP ID#060.-03-05.0 FRONT YARD SETBACK**

Kevin McLaughlin- At 206 Leopold I have a client that wants to put a covered front porch on her house. It will be 24' along the front of the house and it will replace the stairs.

Budosh- This is in a r-10, What is the distance of the set back you need?

McLaughlin- It's 4.5' with the overhang it will be 4.5'.

Budosh- We will need to schedule a public hearing, the bigger item is we need clarification on what is needed for the variance. You need to show the limits of the deck on the survey.

Virginia- She wants 8' wide. Is there any way to make it six?

McLaughlin- She is pretty set on 8 feet and she wants to put a table and chairs on 8 feet.

Sykes- I drove by the house and the neighborhood. It won't stick out like a sore thumb.

Budosh- Chair makes motion to schedule a public hearing for **KEVIN MCLAUGHLIN-206 LEOPOLD BLVD-BALDWINVILLE-TAX MAP ID#060.-03-05.0** Front yard setback.

Sykes- So Moved.

McMahon- Second.

Budosh- Hearing first and second, any comments hearing no comments. Motion carried. Next item is on the agenda is **VITO GERASIMOVICH-3546 WALTERS RD.-BALDWINVILLE-TAX MAP ID#055.1-01-06.2-USE VARIANCE**

Vitto Gerasimovich- Trying to get a registered truck repair shop

Budosh- So this has been in front of us previously, there were items that needed to be addressed and those have been addressed, the back is going to be converted.

Vitto- Yes.

Budosh- Who is this future tenant?

Vitto- Nobody is there, it's storage.

Budosh- How are you going to get trucks in and out?

Vitto- Back them in and out.

Sykes- What is there now in the storage?

Vitto- Nobody.

Sykes- So you're looking for a special use permit?

Vitto- Correct.

Budosh-Will this need county comments?

Sykes-I noticed there were 3 trucks there now, is that the average?

Vitto-Yeah that's the average.

Budosh-Will it increase the traffic?

Sykes-You have one bay right now ?

Vitto-Yes that all we need

Budosh- The truck wash is there now too?

Vitto-Correct

Budosh-You are looking for a Use Variance.Any other comments from the Board.
chair makes motion to schedule a public hearing for **VITO GERASIMOVICH-3546
WALTERS RD.-BALDWINVILLE-TAX MAP ID#055.1-01-06.2-USE
VARIANCE.**

Sykes-Moved

McMahon-Second

Budosh-Hearing first and second, any comments hearing no comments.Motion carried.
Last item is **NIPUN ATMARAM PATEL-7363 STATE FAIR
BLVD.-SYRACUSE-TAX MAP ID#064.-01-23.1 SPECIAL USE PERMIT**

NIPUN ATMARAM PATEL- We are looking to open a liquor store.

Sykes-Suite one the gas station and suite two is where you want to place the liquor store?

Nipun-Correct.

Budosh-The questions I have are parking and signage.The town engineer and I went into the files and couldn't find the site plan. We need a site plan to address the parking, lighting,signage and boundary lines

Nipun-Who does the site plan drawings?

Budosh- You need a surveyor.

Nipun-Will they know what you need?

Budosh-Yes they know exactly what you will need. I am not going to schedule a public hearing until we have everything and we will have you on the agenda, we need to make

sure we have enough information to review. The 30th is the deadline for submissions.
Chair makes a motion to close the meeting

Sykes-So moved

McMahon-Second

Budosh- Hearing first and second, all those in favor, Motion carried.

Meeting Closed at 8:20.