

**Zoning/Planning Board regular Meeting  
6:00PM**

**July 9th, 2024**

**Call to order**

**Pledge of allegiance**

**Roll Call**

**Ms. McMahon-Present**

**Also Present**

**Mr. Virginia –Absent**

**Town Engineer- Jason Hoy**

**Mr. Sykes- Present**

**Town Attorney- Nadine Bell**

**Mr. Roman-Present**

**Codes Clerk- Kaitlyn Fowler**

**Mr. Bowes-Present**

**Mr. Schanzenbach-Present**

**Mr. Budosh- Present**

**Budosh-** Chair makes motion to approve the June 11<sup>th</sup> meeting minutes.

**Sykes-** Moved.

**McMahon-**Second.

**Budosh-**Hearing first in second, all those in favor, Approved.

**Budosh-**First item on agenda is **-Petro Petrovets-6699 Pottery Rd.-Warners-Tax Map ID#055.-01-14.2-Public hearing continuation (Special Use Permit).**Can you give a quick recap of what your trying to do.

**Mrs. Petrovets-**Looking to fill property and seeking a special use permit extension.

**Mr. Budosh-**So this is a continuation of a public hearing we are still in a public hearing. Chair makes motion to close public hearing and enter general session.

**Sykes-**So moved.

**McMahon-**Second.

**Budosh-**Hearing first and Second, All those in favor, Approved now in general Session. Is there any comments for the board?

**Schanzenbach-** The public from the last meeting wasn't in favor of the permit extension being granted due to dumping all hours of day, the noise, smell and dust/debris not being properly cleaned as stated as a condition.

**McMahon**-Was everything that was need submitted on time and reviewed with the town engineer?

**Hoy**- Yes I did review the SWPPP.

**Sykes**-this has been going on since I was supervisor, I feel that the applicant has had more than a reasonable amount of time to get the work done.

**Schanzenbach**-The neighbors need peace of mind, there has been no evidence that if this is issued you will follow the rules. If I was a neighbor I would be upset.

**McMahon**-I feel like the extension should have been asked for when the permit was still active.

**Mrs. Petrovets**-We had a stop work order.

**Budosh**-So also we have a letter from an attorney representing one of the neighbors, which is in opposition of the permit. But I'm going to read the resolution and we are going to take a vote on this action.

RESOLUTION NO. -07  
OF THE

ZONING BOARD OF APPEALS/ PLANNING BOARD

OF THE TOWN OF VAN BUREN

Petro Petrovets seeks a one-year extension of a special use permit which had been issued

On August 10, 2021, to continue to fill property located at 6699 Pottery Road, Tax Map No. 55.-

01-14.3 (the "Property") with loam, soil, rock, stone, gravel and sand, pursuant to Section 200-30

Of the Town of Van Buren Zoning Code. The Property is located in the R40 Zoning District.

In 2019, Applicant obtained a special use permit to fill the Property for purposes of Constructing a single-family residential dwelling. The special use permit issued in 2019 expired

And Applicant applied for a one-year extension in 2021 to continue such fill activities.

At that

time, Applicant presented a survey depicting the sloping topography of the Property and his

plans for a residential dwelling to be situated sixty feet (60') from Pottery Road. As proposed,

the fill was intended to result in a more level elevation at the front and rear of the proposed

residential dwelling, and with the most substantial grade change to occur at the rear of the

Property.

In support of his request for an extension, Applicant submitted an Application for a

Special Use Permit; Short Environmental Assessment Form; Survey (Sheet S1), prepared by Dunn & Sgromo Engineers, PLLC, dated November 19, 2018, as last revised on August 10, 2021; Site Plan (Sheet SP1), Erosion & Sediment Control Plan (Sheet SP2), and Erosion & Sediment Control Details (Sheet SP3) dated August 10, 2021, all prepared by Dunn & Sgromo Engineers, PLLC, last revised August 10, 2021 and a Storm water Pollution Prevention Plan (“SWPPP”) for review by the Town Engineer. The Application was referred to the Onondaga County Planning Board (“OCPB”) for review pursuant to General Municipal Law Section 239 and, by Resolution Case # Z-21-229, the OCPB determined that the referral will have no significant adverse inter-community or county-wide implications. However, the OCPB did comment that the Town is “encouraged to ensure adherence to local regulations regarding land development activities, particularly with respect to the quality of fill materials, in order to minimize negative impacts to drainage and storm water management.” By resolution dated August 10, 2021, Applicant received a one-year extension of his special use permit permitting further fill activities, subject to the following conditions:

- a. Applicant shall provide for erosion and sedimentation control satisfactory to the Town Engineer during fill operations and shall comply with the Conditions of the Storm water Pollution Prevention Plan and the submitted plans, which shall include, but are not limited to Sheets SP1, SP2 and SP3;
- b. Applicant shall contact the Code Enforcement Officer to inspect the fill material and approve it prior to distribution;
- c. Applicant shall not accept or use any contaminated fill;
- d. Hours of operation shall be 7:30 a.m. to 5:00 p.m.;
- e. Applicant shall clear Pottery Road of the mud and dirt tracked from the Property onto such roadway on a daily basis, as needed, by means of a power broom/ brush or street sweeper;
- f. Applicant shall obtain any and all necessary approvals from the New York State Department of Environmental Conservation; and
- g. Applicant shall submit a final grading plan showing the fill area upon completion of fill operations.
- h. Payment of a \$400 fee for engineering review of the SWPPP.

The Applicant has now returned for a second extension of the special use permit. In support of this second request for an extension, Applicant submitted an updated site plan, Sheet SP1, last revised June 6, 2024, and an Erosion & Sediment Control Plan, Sheet SP2,” last revised June 7, 2024, prepared by Dunn & Sgromo Engineers. A public hearing on the request has been

held, with notice of the public hearing having been duly published. In addition to appearing at the public hearing, neighboring property owners submitted photographs of the Property depicting the condition of the Property and fill activities and written opposition to the request. Correspondence submitted by Attorney Jamie Sutphen, on behalf of a neighboring property owner, was received detailing the storm water and erosion and sediment control problems experienced caused by Applicant's fill activities. Of particular concern, the information and testimony received documented Applicant's noncompliance with the prior conditions. More specifically, upon information and belief, Applicant did not contact the Code Enforcement Officer for the Town of Van Buren to inspect and approve the fill materials prior to distribution, fill activities occurred outside the permitted hours of operation, Pottery Road was not kept clear of mud and dirt, and the Applicant failed to submit a final grading plan showing the fill area upon the expiration of the special use permit. An updated final grading plan was not submitted to the Town until after a request for an extension was received. Based upon the submissions of Applicant and proof taken at the public hearing, the Board resolves as follows:

1. This matter is subject to the State Environmental Quality Review Act and is classified as an unlisted action. The Board hereby appoints itself lead agency for the uncoordinated review of this matter. The Board finds that granting the requested relief will result in a significant adverse impact upon the environment. The Board's determination is based upon Applicant's failure to comply with the mitigation efforts Applicant had proposed to address the erosion and drainage concerns. Although the Property is not located in a critical environmental area, the proposal to continue fill operations on the Property is concerning when the Town has not been consistently contacted to inspect and approve of the fill material. As a consequence, the condition of the fill is unknown and the environmental damage it may cause is unknown.
2. Pursuant to Section 200-30 of the Code, certain debris materials, which does not include construction debris, may be used to fill a site to a grade approved by the Code Enforcement Office upon the issuance of a special use permit by the Board, subject to the following determinations:

- a. As proposed, the use is allowed by special use permit and, if operated properly, is in compliance with the applicable intent and regulations of the Code;
- b. The proposed use is located on a residentially zoned parcel. The Property is serviced by all necessary utilities and is compatible in size and character to existing land uses in the immediate area;
- c. Although the scale and design of the use complies with Town requirements, Applicant's past actions have violated the conditions of special use permit; as a result, the fill activities are not visually compatible with conditions of the site and surrounding properties. Furthermore, the fill area, despite the imposition of appropriate conditions, has not been graded and covered with topsoil and seeded in accordance with submitted materials to further minimize any physical and visual impacts;
- d. The design of the site does not create any significant traffic issues, however, Applicant's failure to keep Pottery Road free and clear of fill debris and mud as resulted in hazardous roadway conditions;
- e. Although the use is designed to be operated in a manner that minimizes off-site disturbance of natural and cultural resources, Applicant's failure to comply with prior permit conditions has created off-site disturbances as documented by the evidence presented to the Board. Because Applicant has not had the fill material inspected and approved by the Code Enforcement Officer, it is unknown whether the use is consistent with the soil capabilities of the site to accommodate the use. Storm water runoff has not been properly controlled and has created an issue for nearby properties; and
- f. Emissions from the site are minimal and shall be directed away from surrounding properties.

3. In its capacity as Planning Board for the Town of Van Buren, the Board hereby denies Applicant his request for an extension of the special use permit. Because Applicant's prior special use permit expired on December 31, 2022, Applicant must terminate any and all fill operations on the Property effective immediately.

Dated: July 9, 2024

Mark Budosh Chairman  
Town of Van Buren

**Roll Call Vote:**

**Aye Nay Other**

**Mark Budosh-Aye**

**James Virginia-Other**

**James Schanzenbach-Aye**

**James Bowes-Aye**

**Roger Roman-Aye**

**Claude Sykes-Aye**

**Jesse McMahon-Aye**

## **Schanzenbach-Aye**

**Budosh**-Next item on the agenda-Lorenzo Gomez-102 Timwood Dr. - Baldwinsville-Tax map ID#031.3-04-10.0. - Area Variance. Chair makes motion to open public hearing for Lorenzo Gomez-102 Timwood Dr. - Baldwinsville-Tax map ID#031.3-04-10.0. - Area Variance.

**Sykes**-Moved.

**Roman**-Seconded.

**Budosh**- All those in favor, approved. Now in a public hearing. Can you give a brief description of what you are doing?

**Gomez**-I am trying to replace the fence I have there now with a new one. It is the same height and going in the same spot.

**Budosh**-Okay, I wasn't here last meeting is there any issues like line of sight it's on a corner lot. The new fence is the same height and location?

**Lorenzo**-Yes same height and same location.

**Schanzenbach**-I drove by it no issues.

**Budosh**-Okay, is there anyone in the public who would like to speak for or against this project, I will ask again anyone who would like to speak for or against this project? Hearing no comments chair entertains a motion to close public hearing.

**Sykes**-Moved.

**Schanzenbach**-Second.

**Budosh**- Hearing first and second all those in favor, approved. Now is general session. So there is no changes and now issues lets take action on this.

RESOLUTION NO. -8

OF THE

ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Lorenzo Gomez ("Applicant") of 102 Timwood Drive has applied for area variance relief from Section 200-72 (B) of the Town of Van Buren Zoning Code relating to the replacement of a

privacy fence measuring six (6) feet in height in his front yard. The property is located on the

corner of Timwood Drive and Idlewood Boulevard, and is identified as Tax Map No. 031.3-01-

10.0 ("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.

The Applicant appeared before the Zoning Board of Appeals seeking approval for the placement of a six (6) foot high privacy fence on the corner lot. 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 July 9, 2024. During its

deliberations, the Board acknowledged that the Applicant is seeking to replace an existing

privacy and there are no sight distance concerns presented by the proposed variance. 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 Land lines, dated 04/23/2009.

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.

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/ 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 Idlewood Boulevard, on property located at 201 Timwood Drive, Tax Map No. Tax Map No. 031.3-01-10.0, subject to the fence being located in the current location as shown on the attached survey.

Dated: July 9, 2024

Mark Budosh Chairman

Zoning Board of Appeals

Town of Van Buren

**Roll Call Vote:**

**Aye Nay Other**

**Mark Budosh-Aye**

**James Virginia-Other**

**James Schanzenbach-Aye**

**James Bowes-Aye**

**Roger Roman-Aye**

**Claude Sykes-Aye**

**Jesse McMahon-Aye**

**Budosh-** Next item on the agenda-**CHERYL HEMMES-1251 GALLAGHER RD. -VAN BUREN- TAX MAP ID#038.-01-08.0 AREA VARIANCE, Chair makes motion to open public hearing.**

**Roman-**So Moved.

**McMahon-**Second.

**Budosh-** Hearing first and second, all those in favor, motion carried now in public hearing. Can you give a brief description of work?

**Rick Hemmes-**I live at 1251 Gallagher Rd. we are looking to remove the deck and then add an addition where the deck is and then add a deck to the addition for more living space. We contacted the Canal Corp to make sure there was no issue with us

going toward the front of the property due to the front yard being the river side, they have gotten back to us stating there was no issue.

**Budosh-** Is there any anyone in the audience who would like to speak for or against this project, I will ask again is there anyone who would like to speak on this project. Hearing no comments chair entertains a motion to close the public hearing.

**Sykes-**Moved.

**McMahon-**Second.

**Budosh-**Hearing first and second all those in favor, approved now in general session, so the parcel is non-conforming, you need 40 side yard setback on the east side you have 34 so that's 6 foot of relief and on the west you have 22 and that's a 18 feet of relief.

### **Bell reads resolution**

RESOLUTION NO.9

OF The ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Cheryl Hemmes ("Applicant") of 1251 Gallagher Road has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code relating to side yard setback

relief required for the construction of a two (2) story addition onto a single-family dwelling. The

property is located in the AR-80 Zoning District and is identified as Tax Map No. 038.-01-08.0

("Property").

Section 200-45 of the Zoning Code requires the side yard setback for single-family dwellings I the AR-80 District to be 40 feet. The Applicant appeared before the Zoning Board of

Appeals seeking side yard setback relief to construct a two (2) story addition onto her single-

family home in such a manner as to result in a side yard setback of 34 feet to the east (representing six (6) feet of relief) and 22 feet to the west (representing 18 feet of relief). A

public hearing on the application was held on July 9, 2024. During its deliberations, the Board

acknowledged that the Property is a nonconforming lot and the Applicant's submission of written

correspondence from the New York State Canal Corporation confirming that approval from the

Canal Corporation was not required to build the addition as proposed. The Board further

acknowledged that an existing deck structure was being removed prior to the construction of the

addition. 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, a site plan prepared by Michael Palmieri, dated May 8, 2024,

and a survey prepared by Lehr Land Surveyors, dated June 27, 2024.

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 the property is an existing nonconforming lot and an

existing deck is being removed prior to the construction of the addition. Variance relief for the

proposed addition 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 the construction of a two (2) story addition onto an existing single-family dwelling on property located at 1251 Gallagher Road,

Tax Map No. Tax Map No. 038.-01-08.0, in such a manner as to result in a side yard setback of

34 feet to the east (representing six (6) feet of relief) and 22 feet to the west (representing 18 feet

of relief).

Dated: July 9, 2024

Mark Budosh Chairman

Zoning Board of Appeals

Town of Van Buren

Roll Call Vote:

**Aye Nay Other**

**Mark Budosh-Aye**

**James Virginia- Other**

**James Schanzenbach- Aye**

**James Bowes- Aye**

**Roger Roman- Aye**

**Claude Sykes- Aye**

**Jesse McMahon- Aye**

**Budosh-Moving down the agenda- SHERRI WILKINSON-7686 SENECA BEACH DR.-BALDWINSVILLE-TAX MAP ID#030.-03-12.2-AREA VARIANCE.**

**Joe Mastroianni-Sherri is trying to build a garage across the street, floor to peak of roof 23 feet and the walls are 14 feet we are looking for 3 foot height variance.**

**Budosh- So garage is to store a boat, what size garage door are you installing?**

**Joe-12 foot door.**

**Budosh**-So you can get a boat inside the door.

**Joe**-the existing boat.

**Schanzenbach**- So why are you building such a high pitch, if you build a flatter roof it would be could compliant. I guess we are looking as to why you can't comply with codes. Just a small change in the pitch will make it comply, did you do the math.

**Joe**- No I didn't do the math.

**Budosh**-So we will need you to come back for a public hearing which will be set tonight, we need you to come in with a reason why you can't comply with codes and examples of the surrounding properties with the pole barns as well.

**Joe**- We can do that.

**Budosh**-Chair makes motion to set public hearing for **SHERRI WILKINSON-7686 SENECA BEACH DR.-BALDWINVILLE-TAX MAP ID#030.-03-12.2-AREA VARIANCE**. On August 13<sup>th</sup> at 6pm.

**McMahon**-So Moved.

**Sykes**-Second.

**Budosh**- Hearing first and seconded all those in favor, approved. Motion carried.

**Budosh**-Next Item-**TODD SCHULER-81 CROSS COUNTRY DR-VAN BUREN-TAX MAP ID-033.1-05-46.0-AREA VARIANCE**.

**Schuler**- I have an existing 5.5 foot semi private fence I am looking to do a 6 foot tall privacy fence for safety and privacy.

**Budosh**- The survey was done in 2012, we need to know what was approved for the original variance. We will take look into that. Are you putting it in the same location, and you're adding a pool as well.

**Schuler**- Yes we are getting a pool in the back yard that we have a permit issued for and we are looking to put fence in same location

**Busosh**- Okay so just asking for a height variance.

**Schuler**-Correct.

**Budosh**- So we need schedule a public hearing, Chair makes motion to set public hearing for **-TODD SCHULER-81 CROSS COUNTRY DR-VAN BUREN-TAX MAP ID-033.1-05-46.0-AREA VARIANCE**.

**McMahon**-Moved.

**Sykes** Second.

**Budosh**- Okay see you next month next item on agenda. **CLINTON DANIELS-7122 KINGDOM RD-MEMPHIS-TAX MAP ID#044.-03-04.3-AREA VARIANCE**.

**Daniels-** I am looking to build a pole barn on my property that I have combine, I need the variance to build in front of my existing build line due the location of my sceptic system and topography.

**Budosh-** So can you answer the question as to why this isn't a self-made hard ship. You will need to show us the topographical map and Drawing of pole barn to scale on Survey.

**Daniels-** Okay I can do it.

**Budosh-**We have to set a public hearing for this in August.

**Daniels-** Is there any way that I can start to build before then?

**Schanzenbach-** No that wouldn't be to favorable from the board stand point.

**Busosh-**So we are going to make a motion to schedule a public hearing. Chair makes motion to schedule **CLINTON DANIELS-7122 KINGDOM RD-MEMPHIS-TAX MAP ID#044.-03-04.3-AREA VARIANCE.**

**Sykes-** So moved.

**McMahon-**Second.

**Budosh-** Okay see you next month.

**MEETING CLOSED- 7:29pm.**