

The May 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 6:00 p.m.

Those present joined in the Pledge Allegiance to the Flag.

Roll Call:	Mark Budosh	present
	James Virginia	present
	James Ruddock	present
	Roger Roman	present
	Jamie Bowes	present
	Jim Schanzenbach	present
	Anthony Geiss, Chairman	present

Also Present: Kevin Gilligan, Attorney
Jason Hoy, Engineer
Dave Pringle, Code Enforcement Officer

MINUTES

Motion made to approve the minutes as amended. Approved by board.

Public Hearing – Brown’s Moving/Storage – Variance 200-45 (IND-A) **Accessory Building within Set Back**

6950 Winchell Rd Tax Map ID# 055.-04-02.3

Chairman called for a motion to open a Public Hearing. Motion made by Mr. Schanzenbach. Mr. Virginia seconded. No comments. Motion carried.

Mr. Joe Brown from Brown’s Moving and Storage, 6950 Winchell Road, was present to address the Board. Mr. Brown explained that their original approved site plan showed a Quonset hut on the east side of the property. After further consideration, they want to move the structure to the west side of the property and the structure will now be a pole barn.

The Chairman noted that the new location is not behind the 50’ front yard setback and that is the reason they are seeking a variance.

Applicant stated that the reason for moving the structure is to provide adequate entrance and egress for vehicles using the building and also to provide enough room between the new building and existing building for vehicle and emergency traffic around the existing building.

The Chairman asked the public to speak. No person spoke at the public hearing.

Chairman called for a motion to close the Public Hearing. Motion made by Mr. Ruddock. Mr. Budosh seconded. No comments. Motion carried.

Brown's Moving/Storage – Variance 200-45 (IND-A)

6950 Winchell Rd Tax Map ID# 055.-04-02.3

The Chairman noted that the Board is now back in regular session.

The Chairman described the property including the Tax Map Number.

Joe Brown from Brown's Moving and Storage, 6950 Winchell Road, was present to address the board. Mr. Brown explained that their original approved site plan showed a Quonset hut on the east side of the property. After further consideration, they want to move the structure to the west side of the property and the structure will now be a pole barn.

Mr. Schanzenbach asked what the purpose of the structure is and why the applicant found it necessary to move the location of the structure to the proposed location. Mr. Brown explained that the structure was going to be used to repair their larger vehicles. Mr. Brown further explained they mapped out the proposed location in the field and tried to maneuver vehicle into and out of the building outline. They found they could not make the turning radius out of the building with their larger vehicles. They found they had no choice but to move the proposed location to the west side of the existing building.

Mr. Schanzenbach asked if the size of the building is the smallest size necessary to achieve the proposed use of the building. Mr. Brown stated that it was.

Mr. Budosh asked to clarify that the actual set back dimension of the proposed structure would be 27.5' as shown on the plan. Mr. Brown stated that that dimension was correct.

Mr. Virginia asked if they had looked at moving the staff parking on the west side of the building and moving the proposed building to the north and to the east closer to the existing building which would eliminate the need for a variance. Mr. Brown stated that they had not mapped out that location in the field, but did not believe the turning radiuses would work in that location and they were trying to maintain separate between the proposed and existing building for fire engine access.

The Chairman read Resolution No. 19 of the Zoning Board of Appeals of the Town of Van Buren and called for a motion to vote. Motion made by Mr. Schanzenbach. Mr. Ruddock seconded. Chairman called for comments.

Mr. Virginia had a comment. He asked if the applicant should first look at the location he noted above in the field before a vote is made. Mr. Brown restated that he did not believe the turning radiuses would work in that location and they were trying to maintain separate between the proposed and existing building for fire engine access.

The Chairman stated that he believed they answered the question sufficiently and called for a vote.

Roll Call Vote

	Aye	Nay	Other
Mark Budosh	<u>X</u>	<u> </u>	<u> </u>
James Virginia	<u> </u>	<u>X</u>	<u> </u>
James Ruddock	<u>X</u>	<u> </u>	<u> </u>
Roger Roman	<u>X</u>	<u> </u>	<u> </u>
James Bowes	<u>X</u>	<u> </u>	<u> </u>
James Schanzenbach	<u>X</u>	<u> </u>	<u> </u>
Anthony Geiss	<u>X</u>	<u> </u>	<u> </u>

Motion carried. Variance granted.

RESOLUTION NO. 19__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

Brown's Moving & Storage Company, Inc. has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code to construct a detached accessory structure, described as a "pole barn," 27.5 feet from the property line within the front yard on a parcel located at 6950 Winchell Road, Tax Map No. 055.-04-02.3 (the "Property"). The Property is located in the Industrial A Zoning District.

Under Section 200-45 of the Zoning Code, the required front yard setback distance for a principal and detached accessory structure in the Industrial A Zoning District is 50 feet. The front yard setback line for a detached accessory structure in the Industrial A Zoning District is the "front building line," which, in the instant matter, is 50 feet. Because Applicant proposes to locate the detached accessory structure 27.5 feet off the property line, variance relief in the amount of 22.5 feet is required.

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 “Site Plan, Sheet L1.0,” prepared by Keplinger Freeman Associates, dated April 8, 2019, showing the Property with existing and proposed structures.

Applicant appeared at the public hearing to describe the proposal and address the concerns of the Board. Applicant explained that placement of the proposed pole barn was due to the location of utilities and the preservation of access to existing structures by large, over-sized vehicles. Because the Property is situated at the end of a dead-end road, there are no sight issues associated with the proposed building location. There was no opposition to the application at the public hearing, which was held on May 14, 2019.

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, having appointed itself lead agency for the uncoordinated review of this matter, found that granting the requested relief will not result in any significant adverse impact upon the environment. The Board’s determination was 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 setback will not pose any significant impact upon water, air, agricultural resources, or community character and growth.

2. It is determined the requested variance relief will not produce any undesirable change in the character of the neighborhood and will not be a detriment to nearby properties. Due to the configuration of existing structures, utilities and site access, the benefit sought by Applicant cannot be achieved by any other feasible method.

3. The proposed variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. The benefit to Applicant does outweigh any detriment to the neighborhood or community as a result of granting the variance relief and the variance requested is the minimum relief necessary to allow Applicant relief of the Town's Zoning regulations.

4. For the reasons set forth, a variance is granted to allow for the construction of a detached accessory structure in the front yard of property located at 6950 Winchell Road, Tax Map No. 055.-04-02.3, which will result in a front yard setback of 27.5 feet.

Dated: May 14, 2019

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

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u>X</u>	<u> </u>	<u> </u>
James Virginia	<u> </u>	<u>X</u>	<u> </u>
James Ruddock	<u>X</u>	<u> </u>	<u> </u>
Roger Roman	<u>X</u>	<u> </u>	<u> </u>
James Bowes	<u>X</u>	<u> </u>	<u> </u>
James Schanzenbach	<u>X</u>	<u> </u>	<u> </u>
Anthony Geiss	<u>X</u>	<u> </u>	<u> </u>

Brown's Moving/Storage – Site Plan Modification (IND-A)

6950 Winchell Rd Tax Map ID# 055.-04-02.3

The Chairman noted that the board will now review the site plan for Brown's Moving/Storage. The Chairman noted that this action does not need to be referred to county.

Mr. Schanzenbach asked the applicant if there were any other changes between this site plan and the previously approved site plan other than the change in the location of the accessory structure. Mr. Brown stated that there was not.

Mr. Virginia asked about site lighting and their location and type. Mr. Brown stated that they will only have wall packs at the building. There will be two wall packs at each overhead door (one at each side) and one wall pack at man doors.

Mr. Bowes asked about the hours of operation. Mr. Brown responded that the hours of operation are 7:30 am to 5:00 pm.

The Chairman called for a motion for SEQR to name Town of Van Buren Zoning and Planning Board lead agency and to reaffirm our previous SEQR determination. Motion was made by Mr. Ruddock. Seconded by Mr. Budosh. No comments. Motion passed.

The Chairman called for a motion to approve the site plan modification per applicants drawing L1.0 dated April 8, 2019 conditional on the wall packs being located on each side of each overhead door and one wall pack being located over any man door. Motion was made by Mr. Schanzenbach. Seconded by Mr. Ruddock. No comments. Motion passed.

MIKE FLYNN SUB DIVISION 6865 CANTON ST TAX MAP ID 052.01-05.1 (AR-80)

Board reviewed the sub division plan. Chairman Geiss stated that Mr. Flynn would like to sub divide the existing land into two new lots plus existing lands (Lot 4).

- Mr. Flynn said it would be four lots.
- Chairman Geiss asked about driveway access.
- Lot 4 is not a legal building lot. Chairman Geiss said land was taken off tax deed. No clear title.
- Applicant is aware that lot 4 is not useable and cannot build on it.
- Driveway approval for three driveways, plus easement? Mr. Flynn will get back to the board on this.
- Chairman Geiss said the sub division can be approved without driveway approval.
- Park fees for two lots are \$350 Major Sub Division

Motion to declare this a major sub-division. Motion by Mark Budosh and second by Roger Roman. No comments Motion passed.

Motion to declare Town of Van Buren Planning Board as lead agency, a single agency, uncoordinated review for the unlisted action under SEQR for the sub division listed at 6865 Canton St Tax Map ID#52.-01-05.1. This application is for the creation of four (4) lots, three (3) being along Canton St, the fourth being the back area conforming to the AR-80 zone. There is no significant adverse environmental impact to this proposal. And the board is issuing a negative declaration to this proposal. Motion by James Schanzenbach, second by James Virginia. No comments, Motions passed.

Motion to set public hearing for Mike Flynn sub division listed at 6865 Canton St Tax Map ID#52.-01-05.1 for June 11, 2019. Motion by Jim Ruddock, second by Roger Roman. Motion passed.

ARROW SPACE – SITE PLAN MODIFICATIONS – 2210 DOWNER ST. TAX MAP ID # 033.0-03-15.0 (PUD)

Mr. Joe Kiselica addressed the board. Mr. Kiselica would like to add 3 new buildings (K.L & M) to lower parcel on northern end of parcel.

Discussion and questions followed:

- Access will remain the same.
- New proposed driveway will be gated exit only.
- Town engineer will have DEC do new drainage study/SWPPP
- Site Plan needs to be stamped and signed.
- Truck parking to the east is removed and confirmed by applicant.
- Snow storage location is Southeast and Northeast corner of guardrail.
- The steep grade between existing and proposed area will be seeded and maintained.
- Setbacks on PUD need to be added to site plans per CEO and Chairman Geiss.
- New fence will be the same as existing vinyl fence which is required.
- Buildings will be same as existing.

Chairman Geiss asked the Board to entertain a motion to declare the Town of Van Buren Zoning/Planning Board as lead agency, a single agency, uncoordinated review, for Arrow Space Site Plan Modification 2120 Downer Street, Tax Map ID#033.-03-15.0 (PUD). This is an existing PUD district and the application is for the existing buildings K, L and M in a lower area of the property. This area had previously been developed and will have a non-significant environmental impact to this proposal thus declaring a negative declaration. Mr. Ruddock moved to accept the motion seconded by Mr. Schanzenbach. No comments, Motion carried unanimously.

ALTEC INDUSTRIES SPECIAL USE PERMIT HERMAN RD TAX MAP ID 055.-02-04.0 VEHICLE SERVICE (IND-A)

Mr. Tom Copozzi of Cushner Wakefield Associates
Mr. Dave Carney of Pyramid Brokerage Associates
Mr. Bill Morris

On May 2, 2019 plans were submitted to the Town of Van Buren. Altec Industries is a service provider of electric utilities service communications on trucks of new installations.

Discussion:

- Needs to define drainage design
- Signatures required
- Storm water issue (will get back to Planning Board)
- Driveway permit from County DOT
- Lighting will be wall packs (to County DOT)
- Perk testing will be done
- 24 ft. road width around building
- Signage (was determined by visibility by two entrances to building).

- Drainage flowing toward thruway
- Dumpster enclosure (will get back on this)
- Landscaping issues (to be determined by applicant)
- Presented updated drawing
- Survey with topography
- Revised Site Plan
- Building elevations
- Height of building 40 ft.
- Sufficient parking spaces including the required handicap spaces (1 space required for 18 spaces). Need to know size of parking spaces (to be put on drawing)
- Setbacks are shown on drawings.
- Improvement made on site distance.

Chairman Geiss stated the application is for a special use permit for an Ind. A. zone.

Motion to declare Town of Van Buren Planning Board as lead agency single agency, uncoordinated review for the unlisted action under SEQR for the Altec Industries Special Use permit and site plan located at Herman Rd Tax Map ID #055.-02-04.0 in an Industrial A District. This building is a 90 ft. x 125 ft. building located on Herman Road with paved roadways with additional gravel area, septic system, storm water retention pond on the site. Applicant will make application to NYS Thruway Authority for drainage and lighting on this project. This will have no significant adverse environmental impact, thus rendering a negative declaration. Motion by Jim Ruddock and second by Jim Schanzenbach. No comments, Motion approved. Motion carried.

Chairman Geiss informed Mr. Copozzi that Altec Industries is on the agenda pending the county comments. Public hearing will be held on June 11, 2019.

ALTEC INDUSTRIES INC SITE PLAN (IND A) HERMAN RD TAX MAP ID# 055.-02-04.0

Mr. William Morse addressed the board.

Chairman Geiss stated and trees and shrubs are needed, other items covered in the special use permit application.

Chairman Geiss this application will be sent to county for site plan review. Public hearing set for June 11, 2019.

NJH Property Holdings LLC State Fair Blvd (BRB) Tax Map ID#059.-02-16.1 Zone Change

Applicant's request to add (E-1) outdoor storage to the approved list of uses with Special Use Permit.

Mr. Doug Henry of Hayes Rd addressed the board.

- Drawing presented to board for review
- Residential property on both sides of property – transition zone for this property
- Setbacks are 50 ft. from the side yards for adding buildings
- Restrictions on wall light packs due to residential on both sides
- Decision will be made by Town Board to make zone change

No questions.

Motion to send positive recommendation to Town of Van Buren Town Board for the zone change for NJH Property Holdings LLC located on State Fair Blvd (BRB) Tax Map ID#059.-02-16.1. This is to add E1 as an approved use for the BRB zone district subject to a special use permit. This is for indoor storage (E1 includes outdoor storage).

Motion made. No comments. All in favor. Motion carried.

NOTIFICATION TO THE TOWN OF VAN BUREN'S PLANNING/ZONING BOARD FROM THE TOWN OF ELBRIDGE.

The Reef Restaurant 1161 Old Rt 31 Jack's Reef – request a use variance to allow outdoor music. We approved this for a restaurant and received many complaints from neighbors across the street as well as several street over.

Chairman Geiss read the following: The Town of Van Buren has had problems with the use of outdoor music this past several years. We approved it for a restaurant and received many complaints from both the neighbors across the street as well as from several streets over. The noise is the major complaint, both volume as well as time of day. We have noise in our zoning but is not sufficient for this application. The noise needs to be contained. The band needs to be under cover as well as having walls on about three sides to limit the sound from traveling across the area outside. Strict noise restrictions and hours of operation need to set as a condition of any variance. The Town has denied similar applications for outdoor music in the past.

- Discussion on Reef Restaurant.
- Planning Board did their due diligence on this.
- Should a position be taken.
- Strict noise controls.
- Up to Town of Elbridge to do due diligence on use variance.
- Sent to Van Buren for opinion. Not up to Planning Board for a yes or no answer to this variance
- No jurisdiction on this
- New owners – self created

Chairman Geiss added that the Town has denied similar applications for outdoor music in the past.

RECOMMENDATION TO TOWN BOARD -SENECA GOLF COURSE 7360 STATE FAIR BLVD. Zone change R40 to PUD Tax Map ID#064.-03-01.1

Brandon Jacobson of Rolex Properties -Applicant addressed town board.

Chairman Geiss said there have been several meeting with applicant and many changes.

Discussion: (Applicant)

More detail added to plan.

Changes to Egress.

Eliminated one egress on Van Ness west,

Traffic should come to Rt 48 not thru Van Ness

Eliminated one lot which added more width to lots, more 70 ft. + lots, maintaining lots which depths of over 160 ft. deep.

72 patio home lots with HOA for lawn and snow removal

Another HOA (CPA) to maintain retention areas by professionals

Discussion by Chairman Geiss included:

- PUD Dimensional Requirements:
Lot Area, Lot Width, & Lot depth:

These are per the applicant's submittal drawing dated 2/26/19, Latest Revision 5/6/19

- Minimums required for both residential and non-residential will be as listed in Town Code for R-15:
- Front Yard
- Side Yard
- Rear Yard
- Building Area
- Maximum Building Height:
- As listed in Town Coda for R-15
- % Lot Coverage:
- Up to 15,000 SQ FT-25%
- Greater than 15,000 SQ FT-20%
- Turning radii
- Must have fire department review and approval
- Special Districts Required:
- Sewer, Water, Drainage, and Lighting
- Provide sewer laterals for three residences as well as connection at Route 48 for future service.
- Emergency Exit to Van Ness Road.
- This will be maintained by Home Owner Association.
- Home owner Associations:

- Shall be state approved and professionally run
- Park fees \$350 per lot
-

Motion to a send a positive recommendation to the Town of Van Buren Town Board for a zone change for Seneca Golf property from R40 to PUD with the lot layout to conform to the applicant's drawings dated February 26, 2019, latest general modifications dated May 6, 2019 with the additional restrictions such that the minimum for residential and non-residential will be listed in the Town Code for R15 for front yard, side yard, rear yard and building area with percentages listed.

Motion made, seconded, no comments, all in favor.

OTHER BUSINESS

1. Open Meeting law. Attorney Gilligan stated that whatever is done by email is subject to foil but whatever you do by email is not subject to open meeting law.
2. Solar Moratorium – need someone to lead review on this regarding R40 and AR80as we move forward with solar applications after moratorium expires.
Jim Ruddock.

ADJOURNMENT at 8:15 p.m. Next meeting scheduled for June 11, 2019.

Respectfully Submitted,

Marie Giannone