



TOWN OF VAN BUREN
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The February 11, 2025, meeting of the Van Buren Planning/Zoning Board, held at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York was called to order at 6:00 pm.

Those present joined in the Pledge of Allegiance to the Flag.

Roll Call: Present

Mr. Claude Sykes Present

Ms. Jesse McMahon Present

Mr. James Bowes Present

Mr. James Virginia Present

Co-Chair James Schanzenbach Present

Co- Chair Mark Budosh Present

Absent: Mr. Roger Roman

Also Present:

Ms. Nadine Bell, Town Attorney

Jason Hoy, Town Engineer

Mrs. Wendy Van Der Water, Town Supervisor

Mr. Robert Grover, Town Councilor

Mr. Tim Ganey, Codes Enforcement Officer

Mr. Thomas Fuzia, Deputy Code Enforcement Officer

Ms. Lynn Precourt, Town Clerk

Ms. Kim Vandemark, Codes Clerk

MINUTES

Motion by Mr. Sykes, seconded by Mr. Schanzenbach, to approve the minutes of the January 15, 2025 as published. Motion carried unanimously.

Mr. Budosh mentioned that the first item on the agenda was Haza Foods, 2220 Downer Street, Baldwinsville, Tax Map ID#033.1-04-02.2 which is a carryover from the last meeting on January 14, 2025. Mr. Budosh referred to the final comments from Onondaga Co. regarding the required sidewalks, given the location is adjacent to a sidewalk priority zone is identified by SMTC in proximity to a central bus stop and in order to promote walkability and pedestrian safety the board encourages the town to require installation of sidewalks along Downer St Rd frontage. The board agrees that the sidewalk they agreed on at the last meeting that is shared with Taco Bell is the safest. There is no additional sidewalk needed because there is a sidewalk on the other side of the street that allows crossing underneath 690. The applicant is also encouraged to add additional landscaping and plantings along the road frontages and around the parking areas to screen the parking and drive-thru visible from the road.

Mr Budosh asked the board if there were any more comments.

RESOLUTION NO. 2025-01__
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

Member Sykes made the following motion, seconded by Member Schanzenbach:

HAZA Foods, LLC (“Applicant”) applied for a special use permit to operate a restaurant with drive-in service pursuant to Sections 200-21 and 200-27 of the Town of Van Buren Zoning Code, on property located in the GB Zoning District at 2220 Downer Street, Tax Map No. 33.1-04-02.2 (the “Property”).

In support of its request for a special use permit, Applicant submitted an Application for a Special Use Permit, Agricultural Data Statement, Notification to Surrounding Property Owners of Pending Action, Short Environmental Assessment Form, Stormwater Pollution Prevention Plan

(SWPPP), prepared by Bohler Engineering, dated September 19, 2024, last revised November 21, 2024, Traffic Impact Assessment, prepared by GTS Consulting, dated October 2, 2024, "Traffic Count Data," prepared by GTS Consulting, dated October 7, 7, 2024, "Letter of No Impact" prepared by SHPO, dated September 30, 2024, ALTA/NSPS Land Title Survey, prepared by Ausfled & Waldruff Land Surveyors, LLP, dated June 11, 2024, exterior elevations, prepared by Tessere, last revised March 8, 2024, and "Site Development Plans," prepared by Bohler Engineering, dated September 19, 2024, last revised November 21, 2024.

On December 10, 2024, Samuel Burden, on behalf of Applicant, appeared at the public hearing to describe its proposal to construct a new, 2,024± square foot single story restaurant facility with drive-thru services and 25 parking spaces on the Property, and address the concerns of the Board. The Board previously reviewed the sufficiency of landscaping and building location on the Property and, relying upon the traffic study and traffic count, addressed the traffic concerns raised by Onondaga County and State Departments of Transportation. There was no opposition to the application at the public hearing. At the conclusion of the December 2024 meeting, the Board passed a resolution granting special use permit approval, prior to receiving the Onondaga County Planning Board's ("OCPB") comments and recommendations pursuant to General Municipal Law Section 239. The Board has subsequently received the OCPB's Resolution #Z-25-7, dated January 15, 2025, wherein the OCPB recommended the following modifications:

1. The applicant must ensure legal access to Downer Street Road and/or Sun Meadows Way. An access easement through the adjacent property must be reflected on the plans prior to, or as a condition of, municipal approval.
2. The applicant must conduct a formal wetland delineation to determine the presence and location of any federal wetlands on the site. The applicant is also advised to obtain any necessary permits from the Corps for any proposed development or placement of fill in a federal wetland, or drainage of federal wetlands on site. Any delineated wetlands must be confirmed by the U.S. Army Corps of Engineers and shown on the plans for the site prior to, or as a condition of, municipal approval.

3. The applicant is required to coordinate Downer Street Road access plans with the Onondaga County Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
4. The applicant must submit a copy of the traffic study and Stormwater Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to the New York State Department of Transportation for review. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The OCPB did further offer the following comments:

1. Given the location of this site adjacent to a sidewalk priority zone as identified by SMTC and proximity to a CENTRO bus stop, and in order to promote walkability and pedestrian safety, the Board encourages the Town to require installation of sidewalks along the Downer Street Road frontage.
2. The applicant is encouraged to add more landscaping and plantings along road frontages and around parking areas to screen the drive-thru and parking visible from road frontage. 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. During the December 2024 meeting, the Board appointed itself Lead Agency for the uncoordinated review of this matter and issued a negative declaration.
2. Section 200-27(C) of the Town of Van Buren Zoning Code specifically contemplates the use of the property for drive-in service upon issuance of a special use permit.
3. The Board does reiterate the following prior determinations:
 - a. As proposed, the use is allowed by special use permit. The use is in compliance with the applicable intent and regulations of the Code;
 - b. The proposed use is located on a general business zoned parcel and is consistent with the long-term development objectives of such area. The Property is serviced by all necessary utilities and is compatible in size and character to existing land uses in the immediate area;
 - c. The scale and design of the use is in compliance with Town requirements and will be visually compatible with conditions of the site and surrounding

properties;

- d. The drive-in service is permitted only in association with the principal indoor restaurant use;
- e. The use is designed and shall be operated in a manner that minimizes off site disturbance of natural and cultural resources;
- f. The nature and intensity of operations will not be more objectionable to surrounding properties than those of an expressly permitted use in the district;
- g. The restaurant use and the proposed design of the building and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses;
- h. The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community;
- i. As evidenced by the traffic study, the use will not unreasonably increase traffic congestion or safety hazards or impose traffic volumes on a roadway which is deficient in width or design;
- j. As designed, the Property has sufficient area and frontage for safe and efficient vehicular access, egress, internal circulation, and provision of services without adversely affecting the flow of traffic on abutting streets;
- k. The design allows for a minimum stacking of vehicles waiting for service to be maintained on-site for the restaurant's drive-in window;
- l. Appropriate landscaping and buffering will be maintained per the proposed plans; and
- m. Waste disposal and similar accessory service areas will be adequately screened from view and maintained to avoid any discharge of hazardous materials to the surface drainage system.

4. The Special Use Permit to allow for use of the Property as a restaurant with drive-in service is hereby granted, in accordance with Sections 200-27(c) and 80(C)(5) of the Zoning Code, subject to the following conditions:

- a. The Applicant shall comply with the mitigation requirements established by the Onondaga County Department of Transportation, as well as the New York State Department of Transportation, and obtain any and all necessary permits.
- b. The Applicant shall submit plans that are signed and stamped by a duly licensed engineer; and

- c. Signage for the proposed use shall either comply with Town regulations or shall require application for area variance relief.

Dated: February 11, 2025

Mark Budosh Chairman
 Zoning Board of Appeals
 Town of Van Buren

Motion by Mr. Sykes, seconded by Mr. Schanzenbach

Roll Call Vote:

	Aye	Nay	Other
James Virginia	<u> x </u>	_____	_____
James Schanzenbach	<u> x </u>	_____	_____
James Bowes	<u> x </u>	_____	_____
Roger Roman	_____	_____	<u> x </u>
Claude Sykes	<u> x </u>	_____	_____
Jesse McMahon	<u> x </u>	_____	_____
Mark Budosh	<u> x </u>	_____	_____

Mr. Budosh approved.

SITE MODIFICATION TO EXISTING SITE – CENTERLINE COMMUNICATIONS T-MOBILE, 2116 WARNERS RD, WARNERS, TAX MAP ID# 047.-03-55.0

Brice McFellow, Rochester, NY spoke and is looking for approval for a site modification on an existing tower modification. He is looking to swap the 6x6 concrete bed from one supporting cabinet to two supporting cabinets. They are going from four antennas on a tower to six antennas. There are three sectors and three booms on the tower.

Mr Budosh asked the board if they had any questions. Mr Budosh then asked if there is going to be a generator and Mr. McFellow said there isn't.

Mr. Schanzenbach asked if the concrete pad was going to be any larger and Mr. McFellow stated that it was going to stay at 6x6. Mr. Schanzenbach also asked if the access would change at all, and Mr. McFellow said that it wasn't going to change.

Mr. Budosh asked if the board thought there should be a public hearing and Ms. Bell stated that this will require a 239 Review. The board agreed that the 239 will be sent for review by Onondaga Co. and they will approve this at that meeting.

Mr. McFellow stated that there will be a representative from Centerline Communications T-Mobile here for the March 11th meeting.

**PUBLIC HEARING/SITE PLAN MODIFICATION –LOU'CAR CARE-L.C.
ENTERPRISES LLC- 7361 STATE FAIR BLVD, BALDWINSVILLE - TAX ID # 064.-01-
33.2**

Motion by Mr. Virginia, seconded by Mr. Sykes, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Post Standard* on 02/06/2025. Motion carried unanimously.

Mr. Luigi Cannala was present to address the board and the public about the modifications that he would like to make to his property. He stated that he would like to add three bays to the back of his property for additional car services.

Mr. Budosh asked if there was anyone in the audience who would like to speak for or against this application. There were no comments, so he motioned to exit the public hearing and enter back into the General Session.

Motion by Mr. Sykes, seconded by Ms. McMahon.

General Session- no comments from the Onondaga Co Planning Board.

Mr Budosh asked if there were any questions from the board. He also stated that there needs to be a SEQR. Mr. Budosh stated that the board does declare itself a lead agency proceeding on an uncoordinated review that the matter is an unlisted action and after reviewing the short environmental assessment form does hereby render a negative declaration finding there are no adverse environmental impacts to be realized.

Motion by Mr. Sykes, seconded by Mr. Virginia.

Mr. Budosh asked if there were any comments. Hearing no comments, all in favor.

He approved the site plan modification dated 12/24/24 with no revisions shown on sheets 1 & 2.

Mr. Schanzenbach stated that the second revision has a different date on it. All should have the date of 12/24/2024.

Mr. Cannala agreed.

Mr. Budosh said that the two site plans say 12/13/24 and the cover says 12/24/24. With that revision, site plan number one and site plan number two are to be revised to 12/24/24.

Motion by Mr. Sykes, seconded by Ms. McMahon.

Mr. Budosh asked if there were any comments. All those in favor or against. Approved

PUBLIC HEARING/CHANGE OF USE – APEX POWER EQUIPMENT, 7905 Crego Rd, BALDWINSVILLE, TAX MAP ID# 034.-03-07.1

Ms. Rebecca Scott, Phoenix, NY was present to address the board. Ms. Scott stated that she would like to turn the existing spot into a small engine sales facility. At the last board meeting they were asked to make some changes to the site plan and add a sidewalk. This has been added to the plan and is part of the lease that the owner of the property will be responsible for putting the sidewalk in.

Motion by Mr. Sykes, seconded by Ms. McMahon, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Post Standard* on 02/06/2025. Motion carried unanimously.

Mr. Budosh stated that we are now in general session.

Mr. Budosh mentioned that last month the applicant came in and the board reviewed the site plan. There was a decision made that a sidewalk needed to be added in front of the business which is consistent with the other businesses along Crego Rd and also on Downer St.

Mr. Budosh asked if there were any other comments and Mr. Schanzenbach asked if there is a time frame on the addition of the sidewalk.

Mr. Budosh stated that they have until July 30, 2025, to complete the sidewalk and that will be added to the resolution.

Mr. Virginia asked if there was going to be a sign on the building and Rebecca stated that there will be a sign at the front the building. He reminded her that there would be a permit needed for the sign.

Mr. Budosh stated that the board does declare itself a lead agency proceeding on an uncoordinated review that the matter is an unlisted action and after reviewing the short environmental assessment form does hereby render a negative declaration finding there are no adverse environmental impacts to be realized.

Motion to end the public hearing.

Motion by Mr. Schanzenbach, seconded by Ms. McMahon.

Mr. Budash stated that there is a SEQR needed.

Motion by Mr. Virginia, seconded by Mr. Sykes.

Motion to approve signed and stamped plans with comments on the sidewalk.

Motion by Mr. Virginia, seconded by Ms. McMahon.

**BUILDING EXPANSION – NE CONTROLS, 7048 INTERSTATE ISLAND RD,
BALDWINSVILLE, TAX MAP ID# 056.03-03.4**

Kurt Nichols, Vernon, NY -Engineer with Health Engineers was present to address the board.

Mr. Nichols explained that NE Controls is the manufacturer of control panels for the wastewater industry. The company is growing and needs more room to do their operations. There will be a new building that is going to be 80 x 200 ft. and a parking lot designed to accommodate 50 employee parking spaces. They also have the desire to move some of the parking that currently goes around the facility, which is a perimeter of the road. They are also planning to move the parking to the organized parking. The perimeter road will be turned into a two-way road and will allow for fire access as well as heavy truck access.

Mr. Budosh asked if the proposed parking lot will be gravel.

Mr. Nichols stated that it will be gravel.

Mr. Schanzenbach asked what the total square footage will be for the new building.

One of the owners of NE Controls stated that the existing building is 13,000 and they're going to make it a total of 16,000.

Mr. Nichols said that the site development plan is a pre-engineered metal building that is 80 x 200 and will be connected to the existing building and there will be access between the two buildings. That way the loading equipment can freely move between the two buildings. There will be no additional bathrooms. Right now, there are 6 in total.

They've already completed the power upgrade. The dumpsters will be inside an enclosure. They are also going to remove 3 existing trees and add landscaping. They are already doing the storm water plan and are going to be planting eight more trees. There will be some site grading which is flat, and a surface run off of the roof and will shed to the South and to the North. The rear of the building will have a swale and will overflow to the front catch basin.

The board stated that they will need a revised storm form for Jason Hoy.

Mr. Budosh stated that the board will need updates on where the landscaping is going to be installed. He also asked if there is going to be any new lighting added to the building?

Mr. Nicols stated that he will have to discuss that with the owners. There may be some downward focused LED lighting added for security.

Mr. Budosh said that the board will need to see that plan and it will probably need to be reviewed by the Thruway Authority because you are in proximity of the Thruway. He also mentioned that they would like to see an elevation view of this building.

Mr. Nichols stated that the new building will have the same characteristics as the existing building and the same height and same roof slope.

Mr. Budosh noted that the building and site amendment crosses a property line.

Mr. Nichols said that they submitted a reverse subdivision with the Assessor's office.

Mr. Budosh told Mr. Nichols that the board will need a plan that shows the extent of both properties with property lines and corners. He said that the town will need to submit a 239 review to the county but he thinks that there are still some items that they will need to address before we can submit the 239.

Mr. Budosh's final comments are that NE Controls is planning on having a gravel parking lot with an island for green space.

Mr. Nichols said that eventually they plan to pave the parking lot.

Mr. Budosh is concerned about snow removal and asked if they have a timeline for when they plan to put the pavement down.

The owner commented that they are planning on letting the gravel set and then they will pave it.

Mr. Schanzenbach asked how they plan on handling the handicap parking.

Mr. Nichols said that it already exists at the front of the existing building. There are two paved spots, so they don't plan to add more.

Mr. Schanzenbach told Mr. Nichols to make sure that the new site plan is marked with the width of the drive lane. It is 25ft now, but it needs to be marked that way and mark it as a two-way street. He also suggested that they speak with the fire department because they may want access all the way around the building.

Mr. Sykes asked if they plan to have sprinklers in the new building.

Mr. Nichols responded that there will not be sprinklers. He also asked if there will be any fire hydrants added? Mr. Nichols stated that there are already 2. Mr. Sykes added that they should probably add another one in the back of the property.

Mr. Virginia asked how many driveway cuts will there be?

Mr. Nichols stated that there will be just one and there are already two there.

Mr. Virginia asked the town engineer, Mr. Hoy, about the oil and water separator cover.

Mr. Hoy stated that he believes that it is from the previous use of the building.

Mr. Virginia asked Mr. Nichols if they were going to keep that there.

Mr. Nichols said that the plan is to continue to use it and clean it as needed. They don't currently use it because the building already has drains. The plan is to leave the tank there and have it capped underground.

Mr. Budosh asked if there were any comments. No comments. He also reminded them to reach out to the Thruway Authority and get back to the town with an email or letter stating that they are good with all the modifications such as lighting, signage and storm water. This is part of the Town's coordinator review. The board is going to have a representative from NE Communications come back to the March 11th meeting with the revisions they were given and

then we will schedule a public hearing for the April 8th meeting. We should have the 239 comments back from the county by then.

Motion by Mr. Sykes, seconded by Mr. Schanzenbach.

**SUBDIVISION/ 2-AREA VARIANCES –MARION GARDENS TOWNHOUSES,
TUSCANY LANE, BALDWINVILLE, TAX MAP ID# 31.8-01-17.0**

Mike and Mario Darrigo were present to address the board.

Mr. Darrigo is proposing to take the current Marion Gardens parcel and split it into two, which will be the third phase of development. The first and second phase have buildings and is fully developed. The subdivision line would come from Tuscan Lane out of the first two phases into its own separate lot that's 91A. 91B would be the second parcel of the subdivision. The purpose for this is not because they are planning to sell off a separate lot or change ownership. By subdividing the parcel, they have options when it comes to lending for the construction of phase three. So, phase three will be a separate parcel and without the subdivision this would be landlocked. They are going to be filing a cross-easement agreement or road access. This will grant both parcels full access to all the roads to allow them to finish phase three. Once construction is done on phase three then they will come back to the board and recombine all three lots into one single lot. In regard to the variances, they will need to separate phase three from phase two which will be a lot line that runs next to existing building. There are three different variances that they are requesting as part of this. The first one is part of Lot 91A which is referred to in the application as area one and it is a lot line between the building and the proposed subdivision line and the set back overall on the project is 35ft. So, this subdivision lot line would reduce the distance from this building to the lot line to 12 ½ ft. That would be a variance change of 22 ½ ft. The other two variances are submitted as part of Lot 91B. The second one has a distance between that building and the lot line is also 12 ½ ft which will be a reduction of 22 ½ ft. and then the third one which is the back corner of the building to where the lot line comes through behind and that distance is 27 ft and the difference there is 8ft from the current 35ft.

Mr. Schanzenbach questioned why there is a need for the property to be landlocked and what is the reason why this subdivision needs to happen at all.

Ms. Bell stated that this is a planned district so you're going to have go through the local law process to reflect changes. The PUD is always tied to a plan. So, if you're creating a lot and changing it, it must always link.

Mr. Budosh reviewed the discussion between the board, Ms. Bell and Mr. Darrigo. He stated that Mr. Darrigo is going to have to go back to the drawing board regarding the easement. Before it comes back to the Planning/Zoning board it will have to go through the town board for their review.

Mr. Schanzenbach questioned if they need a variance since they are changing their layout. They can just state that the setbacks are changing.

Ms. Bell stated that it still needs approval because of the setbacks.

Mr. Darrigo said that they can submit it to the board and if the board is agreeable, they could say that the setback is between the two buildings and they won't need the variances anymore.

Ms. Bell agreed.

Mr. Budosh asked if anyone had any final questions and motioned to close the February 11, 2025 meeting.

Motion by Mr. Virginia, seconded by Ms. McMahon.

Mr. Budosh asked if there were any comments. Hearing no comments all those in favor or against. No Comments.

Meeting Closed 7:45 pm

Respectfully submitted,

Kim Vandemark

Town Clerk

Dated: 02/11/25