

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

**June 11<sup>th</sup>, 2024**

**Call to order**

**Pledge of allegiance**

**Roll Call**

**Mrs. McMahon-Present**

**Also Present**

**Mr. Virginia – Present**

**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- Absent**

**Schanzenbach** –Chair makes motion to approve May meeting minutes, Can I get an approval for the May 7th meeting minutes?

**Sykes-** So moved

**Roman-** Seconded

**Schanzenbach**-Motion is made and seconded, Can I get a vote all those in favor, and motion carried, Mays minutes approved. First item on the agenda is

**MARYANNE POTTER- Area Variance-7920 Cornwell Rd - BALDWINVILLE- TAX MAP ID#038.-01-26.4(AR-80).PUBLIC HEARING**

**Timothy Coyer-** My Name is Tim Coyer, I am a land surveyor with Ianuzi & Roman land surveying, and P.C, Address is 5251 Witz Drive North Syracuse NY, 13212. I am the surveyor on the record for the Potter subdivision. If you don't know the Potter subdivision information I have a little presentation it's at the corner of Cornwell and Kingdom it's approximately 82 Acres the entire tree farm they are trying to make 3 new separate lots, for the variance we are referring to is lot number three it's for a garage that is in front of the principle structure. That's what we need the variance for.

**Schanzenbach-** This has been in front of the board many times, is there any comments at this time for just this action?

**Virginia-** It's an accessory structure correct?

**Schanzenbach-** Yes, we are going to take action is there a resolution?

**Bell-** Reads resolution

RESOLUTION NO. 24-02

OF THE

ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Maryanne Potter of 7920 Cornwell Road, Baldwinsville, New York ("Applicant") has applied for

Area variance relief from Section 200-45 of the Town of Van Buren Zoning Code for property situated at

7920 Cornwell Road, Tax Map No. 038.-01-26.4 ("Property"), relating to the location of an existing

Detached garage accessory structure situated in front of a single-family dwelling. The Property is located

In the AR-80 District.

Pursuant to Section 200-45 of the Town Zoning Code, the front yard setback for a detached

Accessory garage structure in the AR-80 Zoning District is the existing building line. Tim Coyer, L.S., of

Ianuzi & Romans appears on behalf of the Applicant and, speaking in favor of the application, explained

That the detached garage structure pre-existed the current proposal to subdivide the Property into three

(3) Parcels. Due to the creation a new lot, with the principal dwelling and garage structure located

Thereon, the Applicant sought variance relief to reduce the front yard setback for such accessory structure

To approximately 60 feet. There was no objection to the proposal at the public hearing, which was held on

June 11, 2024, pursuant to public notice.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data

Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, dated

March 6, 2023, and the Final Plan for the Potter Subdivision, prepared by Ianuzi & Romans Land

Surveying, P.C., dated December 28, 2023, last revised April 4, 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 detached garage structure for single-family residential use.

2. It is determined that variance relief will not produce any undesirable change in the

Character of the neighborhood and will not be a detriment to nearby properties.

Variance relief will not

Have an adverse effect or impact on the physical environmental conditions in the neighborhood or district.

Neighbors did not express any opposition to the variance. There is no apparent method to achieve the

Benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant does outweigh any

Detriment to the neighborhood or community because of granting the variance relief.

4. An area variance is hereby granted to allow the Applicant to reduce the front yard

Setback for a detached garage accessory structure to 60 feet on property located at 7920 Cornwell Road,

Tax Map No. 038.-01-26.4.

Dated: June 11, 2024

James Schanzenbach, Deputy Chairman

Zoning Board of Appeals

Town of Van Buren

**Sykes-** So moved

**Roman**—Second

**Schanzenbach-** Motion was made hearing first and seconded. I will take a roll call vote please.

**Roll Call Vote: Aye Nay Other**

**Mark Budosh - Other**

**James Virginia-Aye**

**James Schanzenbach-Aye**

**James Bowes- Aye**

**Roger Roman-Aye**

**Claude Sykes-Aye**

**Jesse McMahon-Aye**

**Schanzenbach-** Motion was approved, so we have granted the variance for lot number three. So for lot two the applicant is Todd Przybycien at 7957 Cornwell Rd. - Baldwinsville- Tax Map ID#-038.-01-26.4 applicant looking for variance related to creation of the lot if its created the way its drawn it will need variances due to it being a conforming lot we are going to consider that action first and may or may not take a vote. I am going to give you some if then scenarios if we take a vote and its approved we will continue with the whole subdivision and if it's not approved I assume there is another map drawn up without the lot 2 on it. You may just want a straw vote tonight.

**Coyer-** So again this is the same property, we are now looking at lot number two in regards to the 150 road frontage, 200 is needed we are asking for 50 feet of relief. On the second page you will see surrounding properties on Cornwell Rd. with the existing structures

**Virginia-** what is existing out there now? Are they just accessory structures without a principle structure?

**Coyer-** No

**Virginia-** Okay

**Coyer-** Third page is a zoning map, showing that it's an AR-80, this last page is the most important to me in my opinion. This is the existing tax parcel map of the Town of Van Buren I have highlighted the property lines and the road frontage for what their existing today. We don't have the choice to make the 200 foot road frontage, Also if anyone wants to do anything they would have to come in front of board anyways, 150 doesn't hinder anyone from building anything on

this property anyways. The property owners don't have any plans for the property anytime soon

**Virginia**-What's the plan for the site?

**Coyer**-As of right now there is no plan, he lives across the street. For the subdivision he has to get a septic design, even though he has one done doesn't mean Todd's doing anything right now

**Schanzenbach**-Do you have a design drawn up right now?

**Todd**-Yes

**Schanzenbach**-Does this effect lot number ones road frontage

**Coyer**-No.

**Schanzenbach**-Let's say you are planning on building a house we are making a lot that can fit a house on it but you will have to be mindful of setbacks so that means further back with a longer drive way

**Virginia**-What about an unoccupied structure, like a barn?

**Coyer**-He can't do that, he has to meet codes so whatever he builds will need to be approved and go through the codes office.

**Schanzenbach**-If this does pass it should be noted, we have never made a non-conforming lot it's a situations with the surrounding lots have the same or less road frontage, and I feel it's a unique situation.

**Schanzenbach**-The public hearing is still open, I'm going to ask the public if they have any comments, I will ask again anyone in the public have any comments. Hearing no comments

**Schanzenbach**-Chair makes motion to close public hearing.

**McMahon**- So moved

**Sykes**- Second

**Schanzenbach**-Hearing first and second motion carried.

**Virginia**- Before we vote can we go through all the variances again.

**Coyer**- yes, this would not change and or effect the neighborhood at all. It would only change rear property. There is no other apparent method to achieve what the applicant wishes. We are asking for a 25% variance it depends on what you consider substantial.

**Bell**-Reads resolution

RESOLUTION NO. 24-03

OF THE ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Todd Przybycien of 7957 Cornwell Road, Baldwinsville, New York ("Applicant") has applied for

Area variance relief from Section 200-45 of the Town of Van Buren Zoning Code for property situated at

7920 Cornwell Road, Tax Map No. 038.-01-26.4 ("Property"), relating to the creation Lot 2 as proposed for

The Potter Subdivision in a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C. The Property is

Located in the AR-80 District.

Pursuant to Section 200-45 of the Town Zoning Code, the width for a lot in the AR-80 Zoning

District is 200 feet. Tim Coyer, L.S., of Ianuzi & Romans appears on behalf of the Applicant and, speaking

In favor of the application, explained that the proposed width of 150 feet for Lot 2 is consistent with the

Properties in the surrounding area. Maps depicting the lot widths and sizes of surrounding properties

Were submitted evidencing the consistency of the proposed Lot 2 with the character of the area. There

Was no objection to the proposal at the public hearing, which was held on June 11, 2024, pursuant to

Public notice.

In support of the application, Applicant submitted an Application for Variance, Agricultural Data

Statement, Notification to Surrounding Property Owners, Short Environmental Assessment Form, dated

April 28, 2024, variance materials, and the Final Plan for the Potter Subdivision, prepared by Ianuzi &

Romans Land Surveying, P.C., dated December 28, 2023, last revised April 4, 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 detached garage structure for single-family residential use.

2. It is determined that variance relief will not produce any undesirable change in the

Character of the neighborhood and will not be a detriment to nearby properties.

Variance relief will not

Have an adverse effect or impact on the physical environmental conditions in the neighborhood or district.

Neighbors did not express any opposition to the variance. There is no apparent method to achieve the

Benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant does outweigh any

Detriment to the neighborhood or community because of granting the variance relief.

4. An area variance is hereby granted to allow the Applicant to reduce the width of Lot 2 to

150 feet as proposed for the Potter Subdivision in a Final Plan prepared by Ianuzi & Romans Land

Surveying, P.C. on property located at 7920 Cornwell Road, Tax Map No. 038.-01-26.4.

Dated: June 11, 2024

James Schanzenbach, Deputy Chairman

Zoning Board of Appeals

Town of Van Buren

**Sykes** So moved

**McMahon** - Second

**Virginia**-Can we make that say equal to or bigger the surrounding lot.

**Roll Call Vote:**

**Aye Nay Other**

**Mark Budosh-Other**

**James Virginia-Aye**

**James Schanzenbach-Aye**

**James Bowes-Aye**

**Roger Roman-Aye**

**Claude Sykes-Aye**

**Jesse McMahon-Aye**

**Schanzenbach**-Motion carried Coyer-This is the subdivision of the three lots the first lot is roughly 75 acre lot the second is 3.801 acers and third is 3.362

**Virginia**- I want to say this so this is on record, park fee the lots aren't slated for development at this time, we have gone back and forth when we have collected those fee when they were developed and when they were created we needs some consistency, it looks like it would be creating one lot.

**Schanzenbach**- It's usually a 3 lot subdivision.

**Bell**- Reads resolution.

**Schanzenbach**-Next item on the agenda is **The Woods and Syracuse pickle ball-7431-7439 Canton St.-Baldwinsville-Tax Map ID#032.-06-09.0**

**Joe**- Joe Cavender QPK design 450 S. Salina Street Syracuse, N.Y. 13201.

**Schanzenbach**-I want to make it known we are still in public hearing, we are going to look at the subdivision first.

**Joe**-We are trying to combine the two tax parcels into one lot. Due to the pickle ball court being built over the property line.

**Schanzenbach**- Since we are in a public hearing still does the public have any comments?

**Jim Ruddock**- I am concerned with the traffic, Lighting from the restaurant building is really bright, there is no delineation for parking everyone just parks wherever they want, where the accessible parking and was there is a permit taken out for the signage. I want this project to work out but I just want it done correctly.

**Schanzenbach**- Is there anyone else that would like to speak, we are going to take action tonight. Chair entertains motion to close public hearing

**Sykes**- So Moved

**McMahon**-Second

**Schanzenbach**-Hearing first and second. All those in favor, motion carried, we are now in general session.

**Schanzenbach**- Chair entertains motion to approve subdivision map prepared CNY land surveying dated 05/23/2024.

**Bell** Reads resolution



**Schanzenbach**-I think we can take a standard vote, all those in favor, approved motion carried

**Joe**- We have 106 parking spots code requires 104, the two driveway entrances and ADA parking will be paved, the parking lot serves the pickle ball court, 9 hole golf course and the restaurant. The lot for the residential housing will remain as such. Creating the single entrance gave us an extra space. There are no new signage proposals. There will be removable parking barriers for parking delineation for snow removal. Are there any questions

**Schanzenbach**- I didn't know there was any signage on the building

**Joe**- that was brought up in the first meeting

**Schanzenbach**- when we vote the signage will be a condition of the approval. Now for parking you said there would be movable barriers, what are you thinking for those?

**Joe**-Reflective cones, with rope and chains

**Schanzenbach**-That would delineate the parking it would just show the rows. Can you go over the parking again please?

**Joe**-Required by code is 104, we are providing 106. There are 38 for pickle ball 33 for the restaurant, 4 space for the 2 apartments, 33 for the restaurant, 27 for the golfers and 3 spots for the golf course employees and 4 ADA parking Spots.

**Schanzenbach**-The occupancy rating for the pickle ball court is 145 what is the prevailing or realistic use

**Joe**-With four players playing another wait it would be far less than 145.

**Schanzenbach**-Lighting is a point I would like to bring up, what are the hours of operation.

**Joe**-I'm going to ask the hour Christopher Moreland for the operational questions.

**Christopher**- the lights on the pickle ball court are safety lights the hours of operation, golf course is open as early as people can get there, we are open till nine o'clock. We don't anticipate people playing pickle ball at 6:30 in the morning we will be open 9am-9pm.

**Schanzenbach**- What time does the restaurant close?

**Christopher**- The kitchen closes at 8:30

**Schanzenbach**-So I think it's a reasonable request that the lights go off at 11-12 on the barn

**Christopher**-What barn

**Schanzenbach**-The restaurant barn the wall pack on the pickle ball are okay because it for safety, is there any questions from the other board members

**Sykes**-What about the barricades for the fuel tanks

**Christopher**-Propane is in front of the restaurant, the gas and diesel that are near the courts we

**Sykes**-When you say a barriers are you talking about vehicles

**Christopher**-I don't think a vehicle would stop if it hit it

**Sykes**-Certainly arborvitae isn't going to stop a car. Would there be any way to get a jersey barrier around those.

**Christopher**-I don't know what you're referring to

**Sykes**-It's the barriers that you see along the highway

**Christopher** -We can certainly do that

**Schanzenbach**-I think anything over 100 gallon needs a barrier around it

**Virginia**-The comment I had last time as well is the delineation from the apartments and the other parking, the apartment parking is close to the parking spots for pickle ball how we will delineate the spots.

**Christopher**-I think Joe has design for the

**Virginia**-I think a tow sign will be a good idea, another question is are you the only one living in the apartments or are you leasing the other unit.

**Christopher**-It's just me and my restaurant manager living there now, the other unit is just my office.

**Virginia**-The square footage of the sign, looking the building size and the size of the sign it doesn't look right.

**Christopher**-We had it done so we have the information

**Virginia**-That will need to be submitted with the permit applications. The only other thing is my dad used to play golf there a lot and would complain about the parking, I just don't understand how you're going to delineate parking spots on a gravel lot and not have chaos. Have you looked into the cost of paving it?

**Christopher**-as it stands right now it wouldn't allow us to right now, we will look it

**Sykes**-what about well stops, even athletic chalking would help.

**Christopher**-the ADA parking is going to be paved but as this goes along we are going to make improvements, but right now in about 100,000 into it.

**Schanzenbach**-Stop signs for the egress site

**Joe**-There is one there, no actually it's a stop bar

**Schanzenbach**-I'm sure they require it

**Schanzenbach**-No it's a stop bar

**Schanzenbach**-I would like to see a stop sign most people know to stop.

**Joe**- we got county approval for this, we had a stop sign at first and then they said to have a stop bar

**Sykes**- with stop bars they need to be repainted every year.

**Schanzenbach**-What about garbage, what's the procedure now I guess I would like to know if we need to have a dumpster enclosed

**Joe**-The dumpster is not enclosed, it's in the southwest corner.

**Schanzenbach**-So they are unenclosed has that always been like that

**Virginia**-It looks like you are stripping that for parking.

**Sykes**-How is someone going to know it is okay to park there? Because it's not the day for pick up.

**Schanzenbach**-We are well into this I may call a vote on this, but what is the time line, your already operating

**Joe**-No

**Recap the conditions of resolution.**

Lighting-Timer must be functional and programed to shut off at 11pm

No Parking on road

Apartments must get annual fire inspection

Must get permit for sign

Propane, gas and diesel must have barriers in place

Dumpster must be enclosed

SWPPP Maintenance

Hours of operation 11pm all building must be shut down

**Bell**- reads resolutions

RESOLUTION NO. 24-04

OF THE ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Sip of life LLC, the owner of 7431-7439 CANTON ST-BALDWINSVILLE-TAX MAP  
ID#032.-06-09.0

(Applicant), has applied for site plan approval and a special use permit pursuant to  
Section 200-21 of the

Town of Van Buren Zoning Code to operate an indoor recreational facility (pickle ball courts) on property

Located at 7431-7439 Canton Street in the R-40 Zoning District identified as Tax Map No. 032.-06-

09.0("Property").

In support of its request for a special use permit, Applicant submitted an Application for a Special Use

Permit, a Site Plan Application, an Agricultural Data Statement, and Notification to Surrounding Property

Owners of Pending Action, Long Environmental Assessment Form, dated March 8, 2024, and the

Following site plan documents prepared by QPK Design for “The Wood and Syracuse Indoor Pickle ball,

Van Buren, New York”:

Cover Sheet, Sheet G-001;

Site General Information, Sheet L-001;

Layout Plan, Sheet L-002;

Demolition/ Erosion and Sedimentation Control Plan, Sheet LD-101;

Layout Plan, Sheet L-101;

Grading & Storm System Plan Enlargements, Sheet L-102;

Details, Sheets L-501, L-502, and L-503; and

Boundary Survey, prepared by CNY Land Surveying, dated March 6, 2024, last revised May 25,

2024;

Topographic Survey, prepared by CNY Land Surveying, dated March 31, 2024;

Pickle ball Courts, General Notes, prepared by McCormick Engineering, P.C., and dated September

21, 2023;

Pickle ball Courts, Floor Plan, prepared by McCormick Engineering, P.C., dated September 21,

2023;

Pickle ball Courts, Elevation Views, prepared by McCormick Engineering, P.C., and dated September

21, 2023;

Pickle ball Courts, Post Location Plan, prepared by McCormick Engineering, P.C., dated

September 21, 2023;

A public hearing on the application was held on May 14, 2024, and continued until June 11, 2024. Mr.

Joseph Cavender appeared before the Zoning Board of Appeals on behalf of the Applicant and

Addressed the concerns of the Board. There was no objection to the proposal at the Zoning Board of

Appeals public hearing.

This matter was duly referred to the Onondaga County Planning Board for review pursuant to General

Municipal Law Section 239-m.

Based upon the foregoing, the Board resolves as follows:

1. Relative to Section 200-80(C) 5 of the Zoning Code, the Board issues the following findings and

Determinations:

a. Because the proposed use is allowed by Special Use Permit, the use complies with the

Applicable intent and regulations of the Code;

b. The proposed use is located on a parcel zoned R-40 and as an existing golf recreational facility,

The proposed indoor recreational facility is consistent with the long-term development objectives of

The Property. The proposed use is appropriate for the amenities available to the Property and will

Not impede development of the area as intended by the Town's Comprehensive Plan;

c. The scale and design of the use is in compliance with Town requirements and, because of the

Placement of the facility on the Property, shall be visually compatible with conditions of the site and

Surrounding properties;

d. The design of the site does not create any significant traffic issues;

e. The use is designed and shall be operated in a manner that does minimize off site disturbance of

Natural and cultural resources. The use does not disturb prime agricultural soils and is consistent

With the soil capabilities of the site to accommodate the use and water runoff has been properly

Controlled;

f. Emissions from the site are minimal and shall not impact surrounding properties;

g. The physical characteristics of the Property are suitable for and conducive to the proposed

Recreational facility, without modification to the established character of the surrounding area; and

h. The cumulative impacts of the indoor recreational use will not unreasonably interfere with or

Diminish the continued use, enjoyment or growth of the surrounding area or community.

2. A special use permit is hereby granted for an indoor recreation facility in an R-40 zone for Tax Map

ID#032.-06-09.0- 7431-7439 CANTON ST-BALDWINSVILLE, in accordance with Section 200-21 of the Zoning

Code, subject to the following conditions:

a. The hours of operation shall require the facility to close by 11 P.M.

b. All exterior lighting shall terminate at 11 P.M.

c. There shall be no road-side parking permitted by customers.

d. Applicant shall be required to obtain a permit for signage from the Town of Van Buren Code

Enforcement Office.

e. Code compliant barricades shall be installed to protect all on-site propane, gas and diesel tanks.

f. The Town Engineer shall review and approve the Storm water Pollution Prevention Plan.

g. Applicant shall execute a maintenance covenant and easement agreement in a form approved by

The Town Attorney.

h. Employee parking shall be located in front of the on-site dumpsters.

I. Apartment units shall be subject to an annual fire inspection.

3. The Board does further grant site plan approval in accordance with the  
aforementioned site plan

Documents.

Dated: June 11, 2024

James Schanzenbach, Deputy Chairman

Zoning Board of Appeals

Town of Van Buren

Roll Call Vote:

Aye Nay Other

**Mark Budosh Other**

**James Virginia Aye**

**James Schanzenbach Aye**

**James Bowes Aye**

**Roger Roman Aye**

**Claude Sykes Aye**

**Jesse McMahon Aye**

**Schanzenbach- Next item is Carrey Merritt- 6817 Herman Rd.-Warner's-Tax Map  
ID#055.-0-09.1- Public Hearing- Area Variance.**

**Schanzenbach-** This has been in front of the board multiple times. Set back 38.2 &  
37.3 corner to corner and in an A-20 district, 40 foot setback is required foundation is  
already built and is asking for a minor variance. Chair entertains motion to open  
public hearing.

**McMahon-first**

**Roman-second**

**Women in audience-**get the little boy his house

Motion made to close public hearing

**Virginia**-Moved

**Sykes**-second

Motion carried now in general session.

**Sykes**-Is the foundation already in

**Merritt**-Yes

**Sykes**-Did Perdue the old codes officer give the okay for this.

**Schanzenbach**-When was this survey from?

**Merritt**-It is May 16<sup>th</sup> 2024.

**Schanzenbach**-The surveyor didn't put the revised date. That's unusual but we are going to take action

**Bell**- Reads resolution

RESOLUTION NO. 24-05

OF THE ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Carey Merritt, on behalf of Nicolas and Nicole Cortes, owners of 6817 Herman Road has

Applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code

Relating to the construction of single-family dwelling. The property is located in the R-20

District and is identified as Tax Map No. 055.-01-09.1 ("Property").

Pursuant to Section 200-45 of the Zoning Code, the minimum front yard setback for a Principal structure in the R-20 Zoning District is 40 feet. Mr. Merritt appeared before the Zoning

Board of Appeals and, speaking in favor of the application, proposed the construction of a

Single-family dwelling setback approximately 37.3 feet from the front yard boundary line.

Applicant explained that the location of the roadway limited the placement of the single-family

Dwelling.



There was no objection to the proposal at the Zoning Board of Appeal's public hearing, Which was held on June 11, 2024, pursuant to public notice.

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 survey of the Property, prepared by Lehr Land Surveyors, dated August

10, 2010, most recently updated April 18, 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. Variance relief from the setback requirement will not have an adverse

Effect or impact on the physical environmental conditions in the neighborhood or district.

Neighbors did not express any opposition to the variance. 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.

4. Area variance relief from Section 200-45 is hereby granted to allow the

Construction of a single-family dwelling on property located at 6817 Herman Road, 37.3 feet off

The front yard boundary line.

Dated: June 11, 2024

James Schanzenbach, Deputy Chairman

Zoning Board of Appeals

Town of Van Buren

**McMahon**-So Moved

**Sykes**-Seconded

**Schanzenbach**-Motion made all those in favor, Motion approved. Can get a roll call Vote?

**Roll Call Vote:** Aye Nay Other

**Mark Budosh**-Other

**James Virginia**-Aye

**James Schanzenbach**-Aye

**James Bowes**-Aye

**Roger Roman**-Aye

**Claude Sykes**-Aye

**Jesse McMahon**-Aye

**Schanzenbach**-Next Item on the is-Petro Petrovets-6699 Pottery Rd.-Warners-Tax Map ID#055.-01-14.2- Special use permit.

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

**Schanzenbach**-Resident looking to get a 1 year permit extension for special use permit to fill. We are going to get into any comments this evening but we will hear from the public tonight.

**Schanzenbach**-Chair entertains motion to open public hearing.

**Roman**-So moved.

**Sykes**-Seconded.

**Schanzenbach**-Is there anyone who would like to speak on behalf or against this?

**Laurie Ciciarelli**- I live down the road from the Petrovets, I have some letters not only from myself but also my neighbors. This has been going on for nine years now, I don't know if they have had a permit for those nine years but, I feel that it's disrespectful dirty, destructive and dumping. I am asking for you to not consider extending the permit. We also have letters from other residents on the road. (Resident Handed photos to board).

**Schanzenbach**-I recommend sending these to the codes clerk.

**Nicholas Mendolia**- I'm here on their belief of my parents, they live at 6698 Pottery Rd, they have health issues and have been dealing with the petrovets for years now my parents can't open windows, there is odor trash burning and it waifs to my parents

house. My parents do not have AC so when it's hot out they should be able to open windows but can't due to the Petrovets improvements.

**Laurie Ciciarelli-** In August of 2022 we counted how many loads came in one day it was a 100 loads a day.

**Schanzenbach-**I will ask again if anyone else would like to speak.

**Resident from Pottery Road-**Inaudible.

**Schanzenbach-**I will ask again anyone that would like to speak you can.

**Mrs.Petrovets-** Can I get those pictures.

**Bell-** You Have to get a Foil Request.

**Schanzenbach-**I think I am inclined to close the public hearing

**Sykes-**Do we know if the engineer is going to be ready by then.

**Bowes-**Do we know how much is needed to be completed?

**Schanzenbach-**That's part of their submission, it was brought in after the dead line, and Chair makes motion to close public hearing.

**Virginia-** Moved.

**McMahon-** Second.

**Schanzenbach-**All those in favor, motion carried. We have you on the agenda on the July 9<sup>th</sup> meeting, as long as we have the submission paperwork.

**Schanzenbach-Next Item is Andy Shultz-201 Bump Drive, Baldwinsville-Tax Map No. 061.-06-19.0.Public Hearing- Area Variance.**

**Schanzenbach-** Is there anyone here to represent. Chair makes motion to open public hearing.

**McMahon-**So Moved.

**Virginia-**Seconded.

**Schanzenbach-** Hearing first and second, all those in favor. Motion carried. We are now in public hearing.

**Andrew Shultz-** Yes my name is Andy I live at, 201 Bump drive I am looking to just put up a fence on my property I have to small children just for safety and privacy.

**Schanzenbach-**Is there an existing fence there?

**Shultz**-No, we are going to abut to the neighbor's fence.

**Schanzenbach** Since we are in a public hearing I'm going to ask if there is anyone in the public who would like to speak for or against this, I will ask again is there anyone who would like to speak

**Schanzenbach**-Hearing no comments, chair makes motion to close public hearing.

**McMahon**-Moved.

**Sykes**-Seconded.

**Schanzenbach**-Hearing first and second. All those in favor. Motion carried in general dissection.

**Schanzenbach**-We are going to take action on the variance.

**Schanzenbach**-So you're looking to put a 6 foot fence in the front yard, is there a need?

**Sykes**-How tall is your neighbor's fence.

**Shultz**-It's six feet. There is a need for privacy for my children to play in the yard.

**Schanzenbach**-So we are going to take action.

**Bell**-Reads resolution

RESOLUTION NO. 24-06

OF THE ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Andrew Shultz ("Applicant") of 201 Bump Drive has applied for area variance relief

From Section 200-72 (B) of the Town of Van Buren Zoning Code relating to the installation of a

Fence measuring six (6) feet in height in his front yard. The property is located on the corner of

Bump Drive and Hosmer Drive, and is identified as Tax Map No. 061.-06-19.0 ("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 June 11, 2024. During

Its deliberations, the Board acknowledged that there are no sight distance concerns presented by

The proposed variance and that a similar six (6) foot privacy fence is situated on an adjacent

Parcel. 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 J.R.L. Land Surveying, PLLC, dated

December 11, 2019.

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. Neighbors did not express any opposition to the

Variance. 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 privacy fence measuring six (6) Feet in height to be situated in the front yard along Hosmer Drive, on property located at 201

Bump Drive, Tax Map No. 061.-06-19.0.

Dated: June 11, 2024

James Schanzenbach, Deputy Chairman  
Zoning Board of Appeals

Town of Van Buren

**Roll Call Vote:**

**Aye Nay Other**

**Mark Budosh Other**

**James Virginia Aye**

**James Schanzenbach Aye**

**James Bowes Aye**

**Roger Roman Aye**

**Claude Sykes Aye**

**Jesse McMahon Aye**

**Schanzenbach**-Area variance is granted.

**Schanzenbach**-Next item on the agenda-Lorenzo Gomez-102 Timwood Dr.-  
Baldwinsville-Tax map ID#031.3-04-10.0.- Area Variance.

**Schanzenbach**-Is there a representative for this property?

**Lorenzo Gomez**-I am Lorenzo Gomez I live at 102 Timwood Drive, I am just trying to replace my fence it stand at 6 feet tall, I am having 315 Fencing replace the fence. It's going to be in the exact same spot as the one there now I just need the variance for the height.

**Schanzenbach**-So this looks like your property is a corner lot. You're not changing the location or the height that's pre-existing?

**Gomez**-Correct.

**Schanzenbach**-Does the board have any questions for the applicant?

**Sykes**-I haven't gone to look at this property yet. Is it going to cause any sight distant issues?

**Gomez**-It hasn't this far.

**Schanzenbach**-The fence is still up now.

**Gomez**-Correct.

**Schanzenbach**-So I encourage the board to drive by the house to see if there is any sight issues.

**Schanzenbach**-Chair entertains motion to schedule public hearing for 102 Timwood Dr.-Baldwinsville-Tax map ID#031.3-04-10.0.- Area Variance

**Virginia**-So moved

**Roman**-Second

**Schanzenbach**-All those in favor, Motion carried. We will see you on 9<sup>th</sup> of July.

**Schanzenbach - Cherly Hemmes 1251 Gallagher Rd.-Baldwinsville-Tax Map ID#038.-01-08.0-Area variance.** Is there some to represent this project?

**Hemmes**-Yes my name is Cherly I live at 1251 Gallagher road Baldwinsville N.Y. 13207. My husband & I bought the house from my father and we are trying to build an addition for more living space. We were told we need a variance

**Schanzenbach**-The porch is currently at nine feet out and you want to take it out to 12 feet to add more living space. So you're looking for a 3 foot variance, so is there a front yard setback issue.

**Virginia**- Well the front yard is the river side.

**Schanzenbach**-Tue but it looks like they have more than enough room for the front yard setback.

**Sykes**-The porch is at 9 feet you want do a 12 foot

**Schanzenbach**- Yes the issue is the side yard set back

**Virginia**-what is this zoned.

**Secretary**-AR-80.

**Schanzenbach**- 40 is for an AR-80, this was referred for side yard setback.

**Virginia**-How do you do a set beck that doesn't even meet it requirements?

**Bell**-We can't take a bad situation and make it worse, we need to phase these out not make them worse. They will need to go to the canal corporation.

**Schanzenbach**-You will need something from the canal crop stating it's okay they have jurisdiction, the survey is more than ten years old we need a updated survey with the proposed addition that's very important. If you can get those into the office by the dead line

**Sykes**- I'm confused based on what Nadine said you can't amplify the non-conforming use.

**Schanzenbach**-You can with a variance.

**Virginia**-Let's talk about variances. They have two sheds on the survey that show them right on the property line.

**Hemmes**-they aren't there.

**Virginia**- Make sure they aren't on the new survey.

**Schanzenbach** -So if we get those documents on time for the next meeting that would be great. So we are going to set a public hearing for the next meeting .Chair makes motion to set public hearing on July 9<sup>th</sup> for **Cheryl Hemmes 1251Gallagher Rd.- Baldwinsville-Tax Map ID#038.-01-08.0-Area variance.**

**Sykes**-So moved

**McMahon**-Second.

**Schanzenbach**-All those in favor approved, motion carried.

**Meeting closed 8:30**