



TOWN OF VAN BUREN
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The December 10, 2024 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:	Ms. Jesse McMahon	Present
	Mr. Claude Sykes	Present
	Mr. Roger Roman	Present
	Mr. James Bowes	Present
	Co-Chair James Schanzenbach	Present
	Co- Chair Mark Budosh	Present

Absent: Mr. James Virginia

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 Ms. McMahon, to approve the minutes of the November 12, 2024 as published. Motion carried unanimously.

PUBLIC HEARING - HAZA FOODS (WENDY'S), 2220 DOWNER STREET ROAD, BALDWINSVILLE, TAX MAP ID# 033.1-04-02.2 - SITE PLAN REVIEW

Motion by Mr. Sykes, seconded by Mr. Bowes, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Post Standard* on 11/7/24. Motion carried unanimously.

Mr. Sam Burden, Bohler Engineering, 17 Computer Drive W, Albany, was present to address the Board. Mr. Burden said the applicant is looking to develop the site, adjacent to the existing Taco Bell, into a 2024 sq ft quick serve restaurant with a drive-thru. He said they will have shared access with Taco Bell and there will be no new road cut on Downer Street. They have received comments from Onondaga County Planning Board and have addressed all comments. He said they will submit a separate application for signage.

Chairman Budosh asked if there was anyone to speak in favor or against this proposed development. No one spoke.

Motion by Mr. Sykes, seconded by Ms. McMahon, to close the public hearing and resume the regular meeting at 7:07 pm. Motion carried unanimously.

SITE PLAN REVIEW - HAZA FOODS (WENDY'S), 2220 DOWNER STREET, BALDWINSVILLE, TAX MAP ID# 033.1-04-02.2

Mr. Sam Burden, Bohler Engineering, 17 Computer Drive W, Albany, was present to address the Board.

Mr. Budosh asked about the lighting plan. Mr. Burden said they will use similar fixtures as Taco Bell.

Mr. Budosh asked for one mylar and two copies of stamped and signed plans to be provided to the town.

Ms. Bell asked if the special use permit application for the drive-thru was referred to County Planning. It was determined to allow the Board to grant the special use permit at this meeting, investigate the referral and to correct any necessary action at the next meeting.

Motion by Ms. McMahon, seconded by Mr. Schanzenbach, to declare this Board lead agency in an uncoordinated review of this unlisted action under SEQRA and based upon the short EAF submitted declare a negative declaration with no adverse environmental impacts for Site Plan Review for Haza Foods, 2220 Downer Street, tax map # 033.1-04-02.2. Motion carried unanimously.

Motion by Mr. Sykes, seconded by Mr. Schanzenbach, to approve the Site Plan with a revision date of 11/20/24 for Haza Foods, 2220 Downer Street, tax map # 033.1-04-02.2, contingent upon:

1. Engineer/Architect signed and stamped plans
2. State and County Dept. of Transportation approval for access to Downer Street Road
3. Any signage will need to either meet Code or have an approved variance

Motion Carried, unanimously.

SPECIAL USE PERMIT - HAZA FOODS (WENDY'S), 2220 DOWNER STREET, BALDWINSVILLE, TAX MAP ID# 033.1-04-0

RESOLUTION NO. 2024-15

OF THE

ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Mr. Schanzenbach made the following motion, seconded by Mr. Sykes:

HAZA Foods, LLC ("Applicant") seeks 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 at 2220 Downer Street, Tax Map No. 33.1-04-02.2 (the "Property"). The Property is in the GB Zoning District.

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.

Samuel Burden, representative for 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. The Property is a 4.55-acre parcel with access to Downer Street Road and Sun Meadows Way. Applicant's representative was able to address the concerns of the Board. The Board reviewed the sufficiency of landscaping and building location

on the Property. The Applicant submitted a traffic study and traffic count, and addressed any traffic concerns raised by Onondaga County and State Departments of Transportation. There was no opposition to the application at the public hearings.

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. The Board issued a negative declaration, having concluded that granting the requested relief to allow the Special Use Permit and area variances will have no potential adverse environmental impacts, particularly with respect to water, drainage, air quality, soils or other matters of environmental significance.

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 determines that:

- 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.

Roll Call Vote:

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

SITE PLAN AMENDMENT – TACO BELL – DOWNER STREET

Mr. Sam Burden, Bohler Engineering, 17 Computer Way W, Albany, was present to address the Board. He said this site plan amendment is for the shared access for pedestrians, concrete sidewalk, cross walks and relocation of a light pole.

Chairman Budosh asked if there were any comments from the Board. No one spoke.

Motion by Ms. McMahon, seconded by Mr. Sykes, to ratify and reaffirm the negative declaration under SEQRA for site plan approval for Taco Bell, Downer Street, tax map # 032.-06-03.0 approved on January 12, 2021 and reaffirmed on March 9, 2021. Motion carried unanimously.

Motion by Mr. Roman, seconded by Mr. Sykes, to approve the amended Site Plan as shown in Revision 1 of Haza Foods Site Plan, dated 11/20/24 for 2220 Downer Street Road, tax map #032.-06-03.0. Motion carried unanimously.

**PUBLIC HEARING/SITE PLAN AND AREA VARIANCE – TJ’S CANNABIS - 2239
DOWNER STREET, BALDWINSVILLE - TAX ID # 034.-04-07.0**

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 Messenger* on December 4, 2024. Motion carried unanimously.

Mr. Brian Manthey, Brian Manthey Architects, 1919 Patterson Road, Marietta, was present to address the Board. Mr. Manthey said he has submitted renovation plans for the former Pizza Hut site. He said this is a permitted use, the location is within prescribed distance from a park and they will follow the Code for hours of operation.

Mr. Manthey said they are requesting a side yard variance of 4.1 feet on the east and rear yard setback variance of 9.8 feet at the northern property line.

Mr. Budosh asked if there were any comments from the Board.

Mr. Schanzenbach said the generator notes need to be added back on the site plan

Mr. Budosh asked if there was anyone to speak in favor or against these requested variances. No one spoke.

Mr. Schanzenbach asked what material will be used for an enclosure for the generator.

Mr. Manthey said they will use vinyl fencing.

Ms. Bell said the town will need the deed showing the new property owner’s name.

Mr. Budosh asked that landscaping consistent with the commercial corridor be planted along the front in the grassy area.

**SPECIAL USE PERMIT – TJ’S CANNABIS - 2239 DOWNER STREET,
BALDWINSVILLE - TAX ID # 034.-04-07.0**

**RESOLUTION NO. 2024-16
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Mr. Budosh made the following motion, seconded by Ms. McMahon:

TJ’s Cannabis (“Applicant”) seeks a special use permit and area variance to operate a cannabis dispensary pursuant to Section 100-8 of the Town of Van Buren Town Code and Section 200-80(C)(5) of the Town of Van Buren Zoning Code, on property located at 2239 Downer Street Road, Tax Map No. 34.-04-07.0 (the “Property”). The Property is in the GB Zoning District.

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, ALTA/NSPS Land Title Survey, 2239 Downer Street, prepared by Control Point Associates, Inc., dated February 17, 2022 project narrative, prepared by Brian Manthey, Architect, dated September 24, 2024, a memorandum prepared by Architect Manthey addressing traffic and noise, correspondence from Gordon Stansbury, P.E., P.T.O.E., of GTS Consulting, dated October 22, 2024, providing a trip generation review, and the following site plan documents prepared by Brian Manthey, Architect: “TJ’s Cannabis, Cover Sheet, Sheet CV,” dated September 24, 2024, “TJ’s Cannabis Site Plan, Sheet L1,” most recently revised December 9, 2024, “TJ’s Cannabis Site Details, Sheet L2,” dated September 26, 2024, “TJ’s Cannabis, Existing Conditions/ Demo Plan, Sheet D1,” dated September 24, 2024, “TJ’s Cannabis Floor & Area Plans, Sheet A1,” dated September 24, 2024; and, “TJ’s Cannabis Roof Plan & Elevations, Sheet A2,” dated September 24, 2024.

The Applicant appeared at the public hearing with Brian Manthey to describe its proposal to renovate an existing 2,050 square foot commercial structure and construct a 1,940 square foot addition and convert the space into a cannabis retail dispensary. As proposed, five (5) parking spaces will be added to the Property after removing 16 parking spaces, resulting in 18 on-site parking spaces. Applicant was able to address the concerns of the Board relating to traffic, lighting and the need for dumpster enclosure. As proposed, Applicant requests an area variance to allow the construction of an addition which would extend an existing 4.1’ side yard setback along the eastern parcel boundary and permit 9.8’ setback from the northern boundary line. There was no opposition to the application at the public hearing.

The applications were duly referred to the Onondaga County Planning Board (“OCPB”) pursuant to General Municipal Law Section 239 and, by Resolution of Case #Z-24-311, the OCPB determined that the proposal would have no significant adverse inter-community or county-wide

implications, offering the following comment:

“Every municipal review provides the opportunity to improve community appearance and the applicant and the municipality are encouraged to improve site design and reinforce walkability. The applicant is encouraged to made use of existing parking on site and on adjacent parcels, construct the dumpster enclosure at the rear of the proposed addition, away from the road frontage, add a sidewalk connecting the building to sidewalks along the road frontage, and add landscaping and planting islands.”

The OCPB did further return its administrative review of the area variance, recommending “no position.”

Based upon the submissions of Applicant and proof taken at the public hearing, the Board resolves as follows:

5. 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. The Board issued a negative declaration, having concluded that granting the requested relief to allow the Special Use Permit and area variance will have no potential adverse environmental impacts, particularly with respect to water, drainage, air quality, soils or other matters of environmental significance.

6. Section 100-8 of the Town of Van Buren Town Code specifically contemplates the use of the property for a retail cannabis dispensary upon issuance of a special use permit.

7. The Board determines that:

- 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. Vehicle and pedestrian circulation for the retail cannabis dispensary will be safe and efficient within the site and in relationship to Downer Street Road;
- 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 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 analysis, 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. Appropriate landscaping and buffering will be maintained and
- l. Waste disposal will be contained within the commercial structure, avoiding any unsightly impacts and the discharge of hazardous materials to the surface drainage system.

8. The Special Use Permit to allow for use of the Property as a retail cannabis dispensary is hereby granted, in accordance with Section 100-8 of the Town of Van Buren Town Code and 80(C)(5) of the Zoning Code, subject to the following conditions:

- a. Applicant shall abide by the hours of operation as regulated by Chapter 100 of the Town Code; and
- b. Applicant shall enclose the proposed generator and shall ensure compliance with the Town of Van Buren's noise regulations.

9. It is determined that 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. Variance relief to locate the structure 4.1' side yard setback long the eastern parcel boundary and 9.8' from the northern boundary line 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.

10. An area variance is hereby granted allowing the structure to be located 4.1' side yard setback along the eastern parcel boundary and 9.8' from the northern boundary line on property located at 2239 Downer Street Road, Tax Map No. 34.-04-07.0.

Roll Call Vote:

Aye Nay Other

Mark Budosh x

James Virginia x

James Schanzenbach x

James Bowes	<u> x </u>	<u> </u>	<u> </u>
Roger Roman	<u> x </u>	<u> </u>	<u> </u>
Claude Sykes	<u> x </u>	<u> </u>	<u> </u>
Jesse McMahon	<u> x </u>	<u> </u>	<u> </u>

**SITE PLAN REVIEW – TJ’S CANNABIS - 2239 DOWNER STREET,
BALDWINSVILLE - TAX ID # 034.-04-07.0**

Motion by Mr. Budosh, seconded by Mr. Sykes, to approve the Site Plan as shown in the drawings for TJ’s Cannabis, 2239 Downer Street, tax map # 034.-04-07.0, dated and stamped with CV Cover Sheet, L2 Details, revised L1, dated 12/9/24 with revisions shown, 4.1 foot area variance on the east and removal of sidewalk that extends into existing sidewalk on the north side, including landscaping in the grassy area on the south end of the property and approval is conditioned upon legal and engineering review prior to final approval. Motion carried unanimously.

**SUBDIVISION – MICHAEL ALLEN, 7653 AND 7663 EAST SORRELL HILL ROAD –
TAX MAP ID# 032.-04-01**

Mr. Allen was present to address the Board. He said he owns approximately ten acres and he would like to subdivide the property in half. Mr. Schanzenbach asked about the driveway that crosses both properties. He said that will need to be on one or the other. Mr. Allen said he will make an adjustment for the driveway and submit a new map.

Motion by Ms. McMahon, seconded by Mr. Schanzenbach, to schedule a public hearing to hear comments on the proposed Subdivision for Michael Allen, 7653 and 7663 East Sorrell Hill Road, tax map # 032.-04-01 on January 14, 2024 at 6:00 pm. Motion carried unanimously.

**PUBLIC HEARING - GREEN SPARK – 7147 EAST SORRELL HILL ROAD - TAX
MAP ID# 050.-02-13.0**

Mr. Cody Allen, 318 Timothy Lane, Ontario, NY, was present to address the Board. He said this is ground mounted solar array to provide electric for the homeowner.

Motion by Mr. Roman, seconded by Ms. McMahon, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Messenger* on December 4, 2024. Motion carried unanimously.

Mr. Budosh asked if there was anyone to speak in favor or against this special use permit application. No one spoke.

Motion by Mr. Sykes, seconded by Mr. Roman, to close the public hearing and resume the regular meeting at 7:15 pm. Motion carried unanimously.

SPECIAL USE PERMIT - GREEN SPARK – 7147 EAST SORRELL HILL ROAD - TAX MAP ID# 050.-02-13.0

**RESOLUTION NO. 2024-17
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Mr. Schanzenbach made the following motion, seconded by Mr. Sykes:

Michael Lawrence and Georgia Ann Pigman (“Applicants”) seek a special use permit to operate a 11.9-kilowatt-DC ground-mounted photovoltaic solar energy array on property located at 7147 East Sorrell Hill Road, Tax Map No. 050.-02-13 (the “Property”), pursuant to Section 200-90 of the Town of Van Buren Zoning Code. The Property is located in the AR-80 Zoning District.

In support of the request, Applicants submitted a Special Use Permit application, an Agricultural Data Statement, a Notification to Surrounding Property Owners of Pending Action, a Short Environmental Assessment Form (“EAF”), a Project Summary and site plan documents prepared by prepared by GreenSpark Solar, dated July 22, 2024, consisting of Sheet T-000 titled “Title Sheet,” Sheets A101, titled “Site Layout” and “Ground Screw Callouts,” Sheet E-101 titled “Three Line Drawing,” Sheet E-102 titled “Electrical Calculation Details,” and Sheet A-103 titled “Property Zoning.” In addition, Cody Allen of GreenSpark Solar appeared on behalf of Applicants to explain the proposal and address the concerns of the Board. Mr. Allen explained that the proposed system to be installed is one array, southwest of the existing residence, comprised of 28 modules, using a ground-mounted IronRidge Racking system. The system is projected to generate 11.9-0 peak wats Dc (11,900 kW DC).

There was no objection to the proposal at the Zoning Board of Appeal’s public hearing, which was held on December 10, 2024, pursuant to public notice.

Based upon the submissions of Applicants and proof taken at the public hearing, the Board resolves as follows:

11. This matter is subject to the State Environmental Quality Review Act (“SEQR”) and is classified as an unlisted action. During the December 10, 2024, meeting the Board appointed itself lead agency for the uncoordinated review of this matter. The Board found that granting the requested relief will not result in any significant adverse impact upon the environment and therefore, renders a negative declaration for purposes of SEQR. The Property is not located in a critical environmental area and, as proposed, the use will not pose any significant impact upon the water, air, agricultural resources, or community character and growth.

12. 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 AR-80 and is consistent with the long-term development objectives of such area. 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, as a result of the placement of the array 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 minimizes off-site disturbance of natural and cultural resources. Because the proposed solar arrays are ground-mounted, the use minimally disturbs agricultural soils and is consistent with the soil capabilities of the site to accommodate the use and water runoff has been properly controlled;
- f. The use fits within the New York State Energy Plan of encouraging and creating new opportunities for alternative fuels, which has been declared a priority for the State. The goals of the State are: (i) 40% reduction in greenhouse gas emissions from 1990 levels; (ii) 50% electricity will come from renewable energy resources; (iii) 600 trillion Btu increase in statewide energy efficiency;
- g. Emissions from the site are minimal and shall not impact surrounding properties;
- h. The physical characteristics of the Property are suitable for and conducive to the proposed solar array, without modification to the established character of the surrounding area; and
- i. The cumulative impacts of the single solar array use will not unreasonably interfere with or diminish the continued use, enjoyment or growth of the surrounding area or community.

13. A Special Use Permit is hereby granted, in accordance with Section 200-90 of the Zoning Code, for property located at 7147 East Sorrell Hill Road, Tax Map No. 050.-02-13.
Roll Call Vote:

Aye Nay Other

Mark Budosh	<u> x </u>	<u> </u>	<u> </u>
James Virginia	<u> </u>	<u> </u>	<u> x </u>
James Schanzenbach	<u> x </u>	<u> </u>	<u> </u>

James Bowes	<u> x </u>	<u> </u>	<u> </u>
Roger Roman	<u> x </u>	<u> </u>	<u> </u>
Claude Sykes	<u> x </u>	<u> </u>	<u> </u>
Jesse McMahon	<u> x </u>	<u> </u>	<u> </u>

Motion Carried & Adopted

DISCUSSION – RIC ENERGY – 7131 VAN BUREN ROAD – TAX MAP # 051.-02-15.0

Mr. Rob Queriolo, 17 State Street, NY, NY, was present to address the Board. He said they have submitted documents for a proposed solar farm on this property.

Mr. Sykes said this property is within the sanitary sewer district and our Code specifically prohibits any solar on property located with the sanitary sewer district. He said you were advised of this before submitting the application.

Mr. Queriolo said they have submitted a request to the Codes Officer to provide an interpretation of what they would need to process, either a variance or a waiver.

Ms. Bell said the Codes Officer cannot interpret a variance and there is a clear prohibition in the Code so this Board cannot grant a waiver.

Mr. Queriolo said their internal counsel can contact Ms. Bell to discuss any possible options.

Mr. Budosh said this Board is not likely to consider granting approval for something the Code prohibits.

Mr. Queriolo said their application is for three solar arrays on 102 acre parcel currently zoned AR-80. He said it looks like the first step is addressing the location within the sanitary sewer district.

Motion by Mr. Sykes, seconded by Ms. McMahon, to adjourn to the meeting on January 14, 2025 at 6:00 pm. Motion carried unanimously.

Meeting closed 7:47 pm

Respectfully submitted,

Lynn Precourt

Town Clerk

Dated: 12/12/24