



TOWN OF VAN BUREN
7575 VAN BUREN RD.
BALDWINSVILLE, NY 13027
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Zoning/Planning Board	Regular Meeting	September 10th, 2024	6:00 p.m.
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Call to Order
Pledge of Allegiance

Roll Call

Ms. McMahon-Present

Also Present

Mr. Virginia –Present

Town Attorney- Rich Andino

Mr. Sykes- Present

Codes Secretary-Kait Fowler

Mr. Roman-Present

Town Engineer-Jason Hoy

Mr. Bowes-Present

Mr. Schanzenbach-Present

Mr. Budosh- Present

Motion made to approve minutes as amended. Motion carried first Mr. Sykes Seconded by Mr. Schanzenbach. Motion Carried.

Adjourn to Public Hearing.

PUBLIC HEARING-PETER COST-6705 CANTON ST.-WARNERS-TAX MAP ID#053.-01-01.0-AREA VARIANCE-SIDE YARD SETBACK

Peter Cost from 6705 Canton St. Warners was present to speak for the side yard variance located at 6705 Canton Street. My property line is 15.4 inches, I took the pool down and it's 11 feet to where the pool was. So what I'm asking for is a variance for that 4 feet. Chairman asked the audience for comments, No comments.

Chairman made a motion to close the public hearing. Schanzenbach-moved motion, Seconded by Sykes. Motion carried.

PETER COST-6705 CANTON ST.-WARNERS-TAX MAP ID#053.-01-01.0-AREA VARIANCE-SIDE YARD SETBACK

Mr. Budosh asked what the diameter of the pool was and asked if the surveyor could add it to the survey. Cost stated the pool is a 24' round and he will call the surveyor. Schazenbach brought up a shed in the backyard and if that followed code. Codes officer stated the shed needs to be five feet off property for NYS fire code and cost agreed to move the shed five feet off property line. Town board made it conditional to receive permit

Chairman reads resolution

RESOLUTION NO. ____

OF THE

ZONING BOARD OF APPEALS

OF THE TOWN OF VAN BUREN

Peter Cost ("Applicant") of 6705 Canton Street has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code relating to side yard setback relief required for the installation of an above-ground pool and the side and rear yard setback relief for a storage shed on property located in the R-40 Zoning District and identified as Tax Map No.053.-01-01.0 ("Property").Section 200-45 of the Zoning Code requires the side and rear yard setbacks for residential detached accessory structures in the R-40 District to be 15 feet. The Applicant appeared before the Zoning Board of Appeals seeking setback relief to replace an existing above-ground pool in such a manner as to result in a side yard setback of 11 feet to the north (representing four (4) feet of relief) and to relocate an existing shed to be five (5) feet off the rear property line and five (5) feet off the southern boundary line. A public hearing on the application was held on September 10, 2024. During its deliberations, the Board acknowledged that the Applicant is seeking to install an above-ground pool in the same location as a prior above-ground pool and that a storage shed had existed for approximately 40 years on the Property. No one appeared in opposition to the application.

In support of the application, the Applicant applied for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, a Short Environmental Assessment Form, and a survey prepared by Douglas Lehr, Licensed Land Surveyor dated September 29, 1980, last revised September 6, 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 an accessory use for single-family residence.
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 an above-ground pool and shed have existed either in the same location or on the Property for over 40 years, respectively. Variance relief for the proposed addition will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. There is no apparent method to achieve the benefit the applicant wishes to obtain, other than a variance and the benefit to the Applicant does outweigh any detriment to the neighborhood or community because of granting the variance relief.
3. An area variance is hereby granted allowing the installation of an above-ground

pool and the placement of a storage shed on property located at 6705 Canton Street, Tax Map No. Tax Map No. 053.-01-01.0, in such a manner as to result in a side yard setback of 11 feet to the north (representing four (4) feet of relief) for the above-ground pool and five (5) feet of side yard setback and five (5) feet of rear yard setback for the storage shed; such approval being conditioned upon: (a) the Applicant submitted an updated survey to the Code Enforcement Office; and (b) an inspection of the Property by the Code Enforcement Office within 60 days to confirm compliance with the relief.

Dated: September 10, 2024

Mark Budosh Chairman
Zoning Board of Appeals
Town of Van Buren

Roll Call Vote take, all in favor Motion carried. Chairman made motion to go into public hearing for Raymond Petrocci, Motion made by Sykes and seconded by McMahon.

**PUBLIC HEARING-RAYMOND PETROCCI-CONNORS RD.-
BALDWINSVILLE-TAX MAP ID#044.-01- 03.0-SUBDIVISION**

Petrocci was present to represent the Connors Road subdivision, Raymond stated his neighbor and himself bought property and wanted to subdivide the property and legally separated it. I got the survey updated and submitted to clarify the property lines. Chairman asked the audience for comments, No comments.

Chairman made a motion to close the public hearing, Motion made by McMahon, seconded by Roman, Motion carried. In general session

**RAYMOND PETROCCI-CONNORS RD.-BALDWINSVILLE-TAX MAP ID#044.-01-
03.0-SUBDIVISION**

Mr. Budosh asked So does the board have any comments in regards to this standard subdivision? Both properties have road access. It's pretty straightforward. Subdivision surveys, stamping and sign. Does this require a SEQR? Bell stated it is an unlisted action, Chairman made motion to approve **RAYMOND PETROCCI-CONNORS RD.-BALDWINSVILLE-TAX MAP ID#044.-01- 03.0-SUBDIVISION**, Motion made by Virginia and seconded by Sykes. All in favor, Motion carried.

**PUBLIC HEARING-INFINITY SOLAR-6845 E. SORRELL HILL RD.-
BALDWINSVILLE-TAX MAP ID#049.-04-06.6-SOLAR DEVELOPMENT**

Rich Slates was present to speak on behalf of the homeowner at 6845 E. Sorrell Hill Rd. for Solar development slates stated 65 ground mounted solar panels with their own separate micro-invented would be in the southwest corner of property, trees would be put in to cover the panels. Chairman asked the audience for comments, No comments. Chairman made a motion to close the public hearing. Motion made by Schazenbach and seconded by Sykes. Motion carried in general session.

**INFINITY SOLAR-6845 E. SORRELL HILL RD.-BALDWINSVILLE-TAX MAP
ID#049.-04-06.6-SOLAR DEVELOPMENT**

Chairman opened the floor to question, no additional comments from the board. The chairman read the resolution.

PUBLIC HEARING-TJA NEW YORK-1320 KINGDOM RD-BALDWINSVILLE-TAX MAP ID#042.-01-03.1

Matt Kerwin was at the meeting to represent TJA for the site plan amendment and area variance. Matt spoke about the changes that have been made such as moving panels off step slop to the west side of property, driveway moved forward. The variance TJA needs is 47'. Chairman asked the audience for comments, No comments.

Chairman made a motion to close the public hearing, Motion made by Virginia seconded by Roman, Motion carried. In general session

TJA NEW YORK-1320 KINGDOM RD-BALDWINSVILLE-TAX MAP ID#042.-01-03.1

Chairman opened the floor to question, no additional comments from the board. The chairman read the resolution.

RESOLUTION NO. 24 ____
OF THE

ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

TJA-NY Van Buren Solar Farm, LLC seeks area variance relief and amended site plan approval to operate a 5-megawatt ground-mounted photovoltaic solar energy facility on 34-acres located on Kingdom Road, Tax Map No. 042.-01-03.1 (the "Property"), pursuant to Sections 200-87 and 200-21 and Article XV of the Town of Van Buren Zoning Code. The Property is located in the AR-80 (Agricultural Residential) Zoning District.

The Applicant previously received area variance relief on or about February 14, 2023.

Thereafter, on or about October 10, 2023, the Applicant was granted a special use permit and obtained site plan approval to construct and operate the proposed ground-mounted photovoltaic solar energy facility on the Property. The Board notes that the Property, which is owned by the Town of Van Buren, is the site of the Town's former landfill and is currently a state superfund remediation property. Since obtaining the necessary approvals, the Applicant has acquired additional lands situated to the west and has conveyed such to the Town. As a result of such acquisition, the Applicant requests that previous site plan approval be revised to reflect the new lot line. The additional land has allowed the Applicant to relocate a portion of the solar array away from on-site slopes, will improve overall site design, and reduce impervious surface area. Existing fencing will not be relocated and the proposed facility will not encroach onto existing wetlands.

In support of its request, Applicant submitted an application for amended site plan and area variance relief, an Agricultural Data Statement, correspondence from Matthew Kerwin, Esq., dated August 30, 2024, and the following amended site plans prepared by C&S Companies,

titled "Van Buren Solar Site," consisting of the following:

1. G-001, "Title Sheet," dated August 30, 2024;
2. C-100, "Property Plan," dated August 30, 2024;
3. C-101, "Aerial Site Plan," dated August 30, 2024;
4. C-102, "Overall Site Plan," dated August 30, 2024;
5. C-103, "Grading Plan," dated August 30, 2024;

6. C-104, "Landscaping Plan," dated August 30, 2024;
7. C-105, "Erosion and Sediment Control Plan," August 30, 2024;
8. C-501, "Site Details," August 30, 2024;
9. C-502, "Fence Details," dated August 30, 2024;
10. C-503, "Details," dated August 30, 2024;
11. C-504, "Erosion & Sediment Control Details," August 30, 2024; and
12. C-505, "Erosion & Sediment Control Details," August 30, 2024.

In addition, a representative for the Applicant appeared at the public hearing to explain the proposal and address the concerns of the Board.

Notice of the public hearing was duly published. The public hearing was held on September 10, 2024. No one from the public appeared to either support or oppose the application.

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

1. The Board does hereby ratify and re-affirm its prior negative declaration, dated November 15, 2022, which had determined that the issuance of an area variance, site plan approval, and special use permit to operate the proposed solar facility will have no potential adverse environmental impacts.
2. Relative to Section 200-87 of the Zoning Code and the request for an area variance to reduce the side yard setback from 100 feet to 24 feet along the western boundary, the side yard setback from 100 feet to 90 feet along the eastern boundary, the front yard setback from 100 feet to 53 feet, and the rear yard setback from 100 feet to 72 feet, the Board issues the following findings and determinations:
 - a. The abutting land use is primarily active agricultural fields and the Property is state superfund property. 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.
 - b. Due to the state superfund status of the Property, area variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighboring property owners did not express any opposition to the variance.
 - c. 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.
3. Area variance relief to reduce the side yard setback from 100 feet to 24 feet along the western boundary, the side yard setback from 100 feet to 90 feet along the eastern boundary, the front yard setback from 100 feet to 53 feet, and the rear yard setback from 100 feet to 72 feet is hereby granted.
4. The Board does further grant amended site plan approval in accordance with the aforementioned site plan documents prepared by C&S Companies.

Dated: September 10, 2024

Mark Budosh, Chairman
Zoning Board of Appeals
Town of Van Buren

Roll Call Vote taken, all in favor Motion carried. The chairman made a motion to open it to the public hearing. Motion made by Roman, Seconded by Roman.

**PUBLIC HEARING -KEVIN MCLAUGHLIN-206 LEOPOLD BLVD-
BALDWINSVILLE-TAX MAP ID#060.-03-05.0 FRONT YARD SETBACK.**

Kevin was in attendance to speak on behalf of the resident located at 206 Leopold Blvd. Kevin stated a variance was needed for the front yard, Mr. McLaughlin got an updated survey with proposed porch on it the variance request is 4.6' Chairman asked the audience for Comments, No comments.

Chairman made a motion to close the public hearing. Motion made by Schazenbach and seconded by Sykes. Motion carried in general session.

**KEVIN MCLAUGHLIN-206 LEOPOLD BLVD-BALDWINSVILLE-TAX MAP
ID#060.-03-05.0 FRONT YARD SETBACK.**

Chairman opened the floor to question, no additional comments from the board. The chairman read the resolution.

RESOLUTION NO. ____
OF THE

**ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Joseph and Patricia Leonard, owners (the "Applicants"), of 206 Leopold Boulevard have applied for area variance relief from Section 200-39 (A) of the Town of Van Buren Zoning Code relating to the construction of a front porch with roof, measuring 9 feet by 24 feet, within the front yard setback area. The property is situated within the Residential District 10 (R-10) and is identified as Tax Map No. 060.-03-05.0 (the "Property"). Pursuant to Section 200-45 of the Zoning Code, the minimum front yard setback for a principal structure in the R-10 Zoning District is 30 feet.

The Zoning Board of Appeals (the "Board") held a public hearing on September 10, 2024, pursuant to public notice. No one appeared in opposition to the application. Kevin McLaughlin, contractor for the Applicants, appeared before the Board and, speaking in favor of the application, proposed the construction of a front porch with roof encroaching approximately 4.6 feet into the front yard setback area. Mr. McLaughlin explained that due to the location of the principal structure on the Property, the addition of a front porch requires area variance relief.

In support of the application, the Applicants submitted an Application for Variance, Agricultural Data Statement, Notification to Surrounding Property Owners, handwritten building elevations, and a survey prepared, dated September 27, 1988, re-certified on July 22, 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 to locate the proposed front porch in front of the existing building 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 Applicants wish to obtain, other than a variance and the benefit to the Applicants does outweigh any detriment to the neighborhood or community because of granting the variance relief.
3. An area variance is hereby granted allowing a front porch with roof structure measuring 9 feet by 24 feet to be constructed within the front yard setback on property located at 206 Leopold Boulevard, Tax Map No. Tax Map No. 060.-03-05.0.

Dated: September 10, 2024

Mark Budosh Chairman
Zoning Board of Appeals
Town of Van Buren

Roll Call Vote:

Mark Budosh Aye
James Virginia Aye
James Schanzenbach Aye
James Bowes Aye
Roger Roman Aye
Claude Sykes Aye
Jesse McMahon Aye

Chairman makes motion to open public hearing, motion made by McMahon seconded by Schanzenbach

VITO GERASIMOVICH-3546 WALTERS RD.-BALDWINSVILLE-TAX MAP ID#055.1-01-06.2-USE VARIANCE

Vito came into the meeting asking for a special use permit to do heavy vehicle maintenance in a Industrial A district. Currently has a shop that is doing maintenance on company owned vehicles which was approved in 2022. Chairman asked the audience for Comments, No comments.

Chairman made a motion to close the public hearing. Motion made by Schanzenbach and seconded by Sykes. Motion carried in general session.

VITO GERASIMOVICH-3546 WALTERS RD.-BALDWINSVILLE-TAX MAP ID#055.1-01-06.2-USE VARIANCE

Bell stated that the heavy equipment maintenance is not a permitted use and would need a zone change. Bell asked if he wanted to pull the application from the ZBA board, Veto responded yes to the question.

Chairman made a motion to close the public hearing, Sykes moved motion and Bowes seconded the motion, motion carried.

JED MAGID-6963 RIVER RD.-MEMPHIS-TAX MAP ID#045.-01-05.3/046.-0- 5.4-SUBDIVISION

Jed came to the meeting to talk about his two properties being combined and putting a pole barn on the property, Budosh stated he needs to get a copy of the survey with the pole barn drawn to scale and a public hearing would be required.

Chairman made a motion to schedule a public hearing for JED MAGID-6963 RIVER RD.-MEMPHIS-TAX MAP ID#045.-01-05.3/046.-0- 5.4-SUBDIVISION. motion moved by Schanzenbach, seconded by McMahon.

ELDAN HOMES-COMMANE RD.-BALDWINSVILLE-TAX MAP ID#034.-01- 02.0/036-03-21 & 034.-01-15.0-ZONE CHANGE

Dan Barnaba came in front of the board to present a plan for single and multiple family homes. Dan is proposing 48 homes and the lots would be 70 feet wide and 200 feet deep. The cost of construction at minimum would be \$400,000. Mr. Barnaba is looking for some feedback on

whether a PUD or R-15 would be best. The board needs Mr. Barnaba to supply more information before for any comments.

Chairman made a motion to close the meeting, Schanzenbach made a motion and Sykes seconded motion. Motion carried

Meeting closed at 8:20pm