

May 13, 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. Roger Roman	Present
Mr. James Bowes	Present
Mr. James Virginia	Present
Co-Chair James Schanzenbach	Present
Absent: Co- Chair Mark Budosh	

Also Present:

Nadine Bell, Town Attorney
Jason Hoy, Town Engineer
Mrs. Wendy Van Der Water, Town Supervisor
Mrs. Jennifer Sullivan, Town Councilor
Mr. Robert Grover, Town Councilor
Mr. Michael Burke, Town Councilor
Mr. Tim Ganey, Codes Enforcement Officer
Mr. Thomas Fuzia, Deputy Code Enforcement Officer
Ms. Kim Vandemark, Codes Clerk

MINUTES

Motion by Mr. Sykes, seconded by Mr. Roman, to approve the minutes of April 8, 2025, as published.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

PUBLIC HEARING/AREA VARIANCE – ANDREW WHITING , 6929 RIVER RD. MEMPHIS, TAX MAP ID# 045.-01-05.7

Mr. Schanzenbach asked Mrs. Bell if SEQR was needed. Mrs. Bell advised there is no negative impact, no SEQR was necessary.

Motion by Mr. Roman, 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 5/08/25.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

Mr. Andrew Whiting was present to address the board and the public about building 113ft of chain-linked fence larger than 3ft high.

Mr. Schanzenbach mentioned that the fence Mr. Whiting requests is 5ft. tall and that his backyard is actually his front yard and he’s asking for an area variance because you can’t have a fence in your front yard.

Mr. Schanzenbach asked if there was anyone who would like to speak for or against this application. There were no comments.

Motion by Mr. Sykes, seconded by Mr. Roman to close the public hearing and go back into regular meeting.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

Mr. Schanzenbach asked if there were any questions or comments from the board.

Mrs. Bell stated that the town is in receipt of correspondence from legal counsel of The Canal Corp and they are aware of the application and take no issue with the request.

Mr. Sykes stated that the neighboring residents are in support of the area variance request.

**RESOLUTION NO. 2025-02
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Andrew Whiting (“Applicant”) of 6929 River Road 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

chain link fence measuring five (5) feet in height in his front yard. The property is located on the Seneca River and is identified as Tax Map No. 045.-01-05.7 (“Property”).

Pursuant to the Section 200-49(B) of the Zoning Code, the “front yard” of property located along natural bodies of water is defined as the “area extending the full width of the lot between the principal building and the water-side property line.” 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.” Accordingly, the Applicant is seeking approval for the placement of a five (5) foot high chain link fence in his front yard. A public hearing on the application was held on May 13, 2025. During its deliberations, the Board acknowledged that the topography of the Property requires a higher fence to effectively and safely contain the Applicant’s dog, that there are no sight distance concerns presented by the proposed variance, and that the location of the proposed fence is not within the floodplain. The Board received confirmation from legal counsel for the New York State Canal Corporation that no land use approvals are required from the Corporation for the proposed fencing. 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, job estimate prepared by Arrow Fence Company, Inc., and a survey prepared by George Venditti, Jr., Licensed Land Surveyor, dated July 19, 1989.

Based upon the foregoing, upon motion of Mr. Sykes, seconded by Ms. McMahon, the Town of Van Buren Planning Board/ Zoning Board of Appeals 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 chain link fence measuring five (5) feet in height to be situated in the front yard along Seneca River, on property located at 6929 River Road, Tax Map No. 045.-01-05.7.

Motion by Mr. Sykes, seconded by Ms. McMahon to approve the area variance.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

PUBLIC HEARING-SUBDIVISION/SITE PLAN-NE CONTROLS, 7048 INTERSTATE ISLAND RD, SYRACUSE, TAX MAP ID# 056.-03-03.4

Mr. Schanzenbach declared lead agency and no adverse actions.

Motion by Mr. Virginia, seconded by Mr. Roman, to recess the regular meeting, open the public hearing and waive reading the legal notice published in The Post Standard on 5/08/25.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

Mr. Kurt Nichols, engineer with Delta Engineers in Vernon, NY for NE Controls was present to address the public and 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. They would like to add a new building that is going to be 80x200ft. which will be connected to the existing building on Interstate Island Rd.

Mr. Schanzenbach asked if there was anyone who would like to speak for or against this application. There were no comments.

Motion by Mr. Virginia, seconded by Mr. Sykes to close the public hearing and go back into regular meeting.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

Mr. Schanzenbach asked if there were any comments. No one spoke.

Mr. Schanzenbach asked if anyone reviewed the SWPP. Mr. Hoy stated that it was reviewed.

Mr. Schanzenbach reminded Mr. Nichols that the town would like the enclosure around the dumpster to be a vinyl fence not chain-link.

Mr. Schanzenbach approved the subdivision for NE Controls, as shown on the stamped and signed drawing dated 3/4/25 to combine two parcels.

Motion by Mr. Sykes, seconded by Mr. Virginia to approve site plans.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

Motion by Mr. Sykes, seconded by Ms. McMahon to approve the amended site plans pages: C-01, C-02, C-03, C-200, C-201, C-203, C-204, C-301, C-302, C-303. Dated 3/18/25 stamped and sealed with no revisions; and conditioned upon receiving an amended separate drawing of C-301 with the Dumpster enclosure revision.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

SPECIAL USE/INSTITUTIONAL C3–PATRICIA PALUMBO, 7758 MAPLE RD, BALDWINSVILLE, TAX MAP ID# 030.-02-23.0

Patricia Palumbo was present to address the board. She would like to relocate her current adult daycare from the Town of Lysander to her property at 7758 Maple Rd. Her employees have decreased since Covid so she would like to consolidate to one property.

Mr. Schanzenbach stated that Mrs. Palumbo has a special use permit now and she is here to amend that special use permit. He also stated that a public hearing needs to be scheduled, and this also has to be referred to the county.

Mr. Schanzenbach asked if we need a special use permit and if we need to refer this to the county. Mrs. Bell confirmed as it is a state road.

Mr. Schanzenbach stated that we will refer this to the county and asked if the codes department submitted an EAF. Mr. Fuzia said yes, they have.

Mrs. Bell stated that the EAF is dated 5/6/25. She would like to acknowledge for the purpose of SEQR that this is a change of use but there are no structural changes to the building or to the exterior of the building. Your resolution would serve in the capacity as lead agency for an unlisted action on an uncoordinated review and based upon a short Environment Assessment Form dated 5/6/2025, a negative declaration is rendered.

Motion by Mr. Sykes, seconded by Ms. McMahon to schedule a public hearing for Patricia Palumbo, 7758 Maple Rd, Baldwinsville, Tax Map ID#030.-02-23.0 on June 10th, 2025.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia – Yes, Mr. Schanzenbach – Yes, Mr. Bowes – Yes, Mr. Budosh – Absent

PUBLIC HEARING/SUBDIVISION/REFERRAL FOR PUD AMENDMENT–MARION GARDEN TOWNHOUSES, 1 MARION GARDENS TERRACE, BALDWINSVILLE, TAX MAP ID# 31.8-01-17.0

Mr. Schanzenbach stated that the board does ratify and reaffirms lead agency status, and it was a type one action, and we reaffirm the negative declaration.

Michael Darrigo was present to address the board. Michael stated that he has a single parcel that he would like to subdivide into two parcels. Lot # 91A which is on the existing parcel with townhouses and the vacant part of the parcel which would be Lot # 91B. The request is to subdivide the lot into two and then have a modification to the setbacks where the lot line crosses between them.

Mr. Schanzenbach also asked Mrs. Bell if the board needed to do anything with the cross easements.

Mrs. Bell stated that the cross easements were required because of the unusual subdivision, and it needs to be approved by the town attorney.

Mr. Schanzenbach asked Mrs. Bell what the conditions were to re-combine the parcel.

Mrs. Bell asked Mr. Darrigo what his schedule is for completion. Does he have a timeline?

Mr. Darrigo said it will take about 2-2 1/2 years to complete.

Motion by Ms. McMahon, seconded by Mr. Roman to recess the regular meeting, open the public hearing and waive reading the legal notice published in The Post Standard on 5/08/25.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia – Yes, Mr. Schanzenbach – Yes, Mr. Bowes – Yes, Mr. Budosh – Absent

Mr. Schanzenbach asked if there was anyone in the audience who would like to speak for or against this application. No one spoke.

Motion by Ms. McMahon, seconded by Mr. Roman to close the public hearing and go back into regular meeting.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia – Yes, Mr. Schanzenbach – Yes, Mr. Bowes – Yes, Mr. Budosh – Absent

Mrs. Bell said that there needs to be an updated map to show the cross easements and the map needs to be stamped and signed.

Mr. Schanzenbach stated that the cross easement needs to be updated on the map and approved by the Town Attorney with a final review by the Town Engineer. He motioned to approve the subdivision for Marion Garden Townhouses as shown on the stamped and not signed map, which

is titled final plot re-subdivision, final plan re-subdivision of Lot 91 dated 11/11/24 and has revisions of 1/20/25, 1/28/25 and 2/14/25. Subdivide the parcel into Lots 91A and 91B. Lot 91A being 3.93 acres, Lot 91B being 2.96 acres. The board is going to add two conditions. One will be the approval of the cross-easement agreements, cross access maintenance and reciprocal easement agreements by the Town Attorney. We are also conditioning it on the map being updated to reflect the proper language for the cross easements with an updated map, showing the cross easements and that the map be stamped and signed once it is finalized and reviewed by the Town Engineer.

Motion by Mr. Sykes, seconded by Ms. McMahon to approve the PUD amendment as conditioned.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

Motion by Mr. Virginia, seconded by Ms. McMahon to refer to the Town Board for the amended PUD application.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

PUBLIC HEARING/AREA VARIANCE–ELDAN HOMES, DOWNER STREET RD & COMMANE RD, BALDWINVILLE, TAX MAP ID# 036.-03-21.0

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 Post Standard on 5/08/25

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

Mr. Barnaba from Eldan Homes was present. He said that he submitted a zone change last fall on multiple parcels of property. There is a 12-acre parcel that is the subject of tonight's application. There are another 26 acres on the west side of Commene Road. The Planning Board recommended a R15 zone change, opposed to a PUD. The other parcel was put on hold. Mr. Barnaba showed that the lot yields are pre engineer with 2 ways in and out which would be 25 lots of single family detached homes. This went before the Town Board and was denied. He then applied for an R20 which would be 20-22 lots, and that application was denied without a referral, so he pursued a variance. He showed a layout that is similar with 22 lots which would be a minimum of 17,000 sq.ft., 110 ft. wide and 150 ft deep. He then went back and appealed for a subdivision, R-40 which would be single family attached homes 12 lot, 12 acres, minimum of 40,000 sq. ft. and would have multiple access points to the property with possible private driveways and a private road system. If approved, it will be 12 duplexes, totaling 24 residences and will require a homeowner's association.

Mr. Virginia asked how much area coverage based on square footage will there be.

Mr. Barnaba mentioned that it would be a mix of ranches and colonials. The ranch will range from 1,500-2,300 sq. ft. The Colonial style home will have a slightly smaller coverage of 1,300-1,400 sq. ft. footprint. Duplexes are a little bit bigger, but the coverage would be about the same.

Mr. Schanzenbach wanted to remind everyone that we are still in a public meeting. The parcel is currently zoned at R-40 and a PUD was not considered by the board. The parcel isn't large enough as PUD requires more than 15 acres. He also stated that there will not be any apartments.

Mr. Schanzenbach said that he will take comments from the public at this time.

Mr. Fuzia asked if there would be a road for fire access.

Mr. Barnaba stated that there will be multiple road access on Rt. 31 with possibly a hammerhead road.

Mr. Schanzenbach asked the public to speak and to limit their statements to no more than 3 minutes.

Mr. Andy Stack, 1 Lanyard Ln., asked how many trees Mr. Barnaba is planning on cutting down and how many he is planning to leave up.

Mr. Barnaba said that he plans on cutting down some trees but will also leave some up for a buffer. He also mentioned that he hasn't investigated that yet, but the storm water system may require him to remove some trees.

Mr. Stack stated that he had to put a drain on his property because it floods every year. He asked Mr. Barnaba if he was going to address that problem.

Mr. Barnaba said that he plans to address the issue and there may need to be a swale put in that will go into a retention pond.

Mr. Paul Schmid, 23 Commune Rd, wanted to address the article that was posted in the paper. Mr. Schmid states that he believes that Mr. Barnaba wants the residents to feel threatened by a lawsuit. He also stated that the builder stated that he is planning to build affordable housing. He states Who needs \$400,000 houses. Why can't there be some \$250,000 houses built like patio homes. He asked that Mr. Barnaba work within what was approved. He said that these subdivisions may force people to move. He also proposes that the builder be in charge of maintaining that side of the entrance to the neighborhood not the young gentleman that has been doing it for the last year.

Mrs. Janet Ross, Commune Rd W, stated that R-15 and R-20 were all denied, and you are back here for a variance. What happens when there is all the traffic congestion on Commune Rd.? Her other concern is drainage. She stated that her house has flooded before and believes that there is going to be trouble with the drainage between the old and new developments. She wonders what is going to happen with the next section. She asked the board to please listen to what the public brought before them tonight.

Mr. Jim Lammana, 202 and 146 Commune Rd. W., is opposed to any re-zoning and expansion of the redeveloped property. He is not opposed to development, and he believes in controlled development. He thinks that the builder should explore some of the other properties available in the Town of VanBuren.

Mr. Sheila Johnson, 114 Commune Rd, stated that affordable housing is what is needed, not increased density and increased traffic. The lots are too small and there are too many roads coming in and out of development. She would like to have larger homes, larger lots and fewer homes.

Mrs. Tracy Chesbro, 220 Commene Rd W, said she would like to have the property left as R-40 without any area variances. She doesn't believe that the builder respects the neighborhood. She also stated that there are other places to build with land. She would like him to build somewhere else, and she is against this project.

Mr. Tim Morgan, 11 Lanyard Lane, stated that he is not against change. He would like to see single family houses with larger lots. He stated that the traffic is already rough, and he doesn't know how the extra traffic will be dealt with. He also mentioned that water has been running onto Lanyard Ln. He stated that the Army Corps of engineers did a study on this. He hopes that Mr. Barnaba will get a DEC review. He mentioned that there is a lot of standing water there and years ago when there was an apple orchard there were 3-4 streams on that property. He asked Mr. Barnaba where the water would be diverted to, and he doesn't think that the pipes that are already there can hold all the water.

Mrs. Grace White, 44 Commene Rd. W., stated that she is concerned most about ambiguity. She asked Mr. Barnaba how he plans to get all the information about the flooding and how he will extrapolate that to do what is right to build it to meet our concerns about the flooding.

Mr. Barnaba said that everyone desires affordable homes and that it is impossible to build a home for under \$400,000. He also stated that he never said that he builds affordable homes. He builds luxury homes.

Mr. Mike Meyer, 144 Commene Rd., gave an analogy.

Mrs. Nancy Arnette, 224 Commene Rd. W., presented a picture of what it looks like to come out of Commene Rd to take a left onto Downer St. It shows the blindness you have when you come out onto the road. She is opposed to the higher density. She also stated that Mr. Barnaba knew what property he bought, and she would like him to show his plans. She stated that she is definitely opposed to this project.

Mr. Jim Walker, 2 Buccaneer Rd. stated that he isn't opposed to building on the property, he would just like to see single family homes built, not duplexes.

A resident asked if anyone knew what kind of time frame the other lot would be.

Mr. Schanzenbach stated that to the best of his knowledge the applicant has not submitted anything for that particular parcel.

Mr. Barnaba stated that there is still a matter in front of the planning board to have a vote on a referral.

Mr. Schanzenbach stated that at this time there isn't any time frame on that.

Mrs. Jill Harris, 208 Commene Rd., is opposed to this project and she is concerned with the drainage and safety. The traffic is dangerous when you exit onto Commene Rd. She also stated that there is a lack of trust in this developer due to the lawsuit that he filed.

Mr. Dan Taylor, 19 Commene Rd., stated there is water above, on, and below his property. It is all coming downhill and he is worried about all the water that is already coming into his yard. He asked the board where is the engineer and who is going to take care of all this water. Is this the town's responsibility or someone else's? He also stated that he has spent a lot of money already and can't do it again.

Mr. Schanzenbach asked if there was anyone else that wanted to speak.

Mr. Tom Rasbeck, 24 Commune Rd, said there were emails sent to the chairman and wanted to know how many emails he received and did he share them with the board.

Mr. Schanzenbach asked if there was anyone in the audience who would like to speak for or against this application. There were no comments

Motion by Mr. Sykes, seconded by Ms. McMahon, to go back into regular meeting.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia –Yes, Mr. Schanzenbach –Yes, Mr. Bowes –Yes, Mr. Budosh-Absent

Mr. Schanzenbach advised the 16 emails from residents were sent to the chairman of the board. He wanted to note that not all the emails were opposed to the project and that anyone can request the emails through the codes department.

The emails were sent from:

Paul Schmidt, 23 Commune Rd - Opposed

Barbara and Mike Dunn, 3 Commune Rd - Opposed

Barbara Leija, 15 Buccaneer Bend - Opposed

Dave Ibbitson - Opposed

Margaret & James Brackley, 236 Commune Rd. W. - Opposed

Jill Harris, 208 Commune Rd. W. - Opposed

John & Patricia Barone, 154 Commune Rd. W. - Opposed

John & Heather Mulhall, 126 Commune Rd. – In favor of single family homes only

Lori McCarty - Opposed

Michael & Robin Duck - Opposed

Nicole Dowse Dowd 28 Commune Rd - Opposed

Michael & Christine Long 16 Buccaneer Bend - Opposed

Thomas Rasbeck, 24 Commune Rd - Opposed

Vincent DiFulvio In favor of single family homes only

Edmund George, 17 Buccaneer Bend - Opposed

Shirley Lado, Commune Rd West - Opposed

Mr. Barnaba stated that he has to submit an application for a subdivision. He is not sure of the process, and he also wanted to note that this was not brought to his attention that he would need to submit an application.

Mrs. Bell said that he would need to ask for variance relief, and he would need to have a proposed lot. She also stated that it is a state law, and he will need to submit a subdivision application, and this will link the area variance and subdivision together.

Mrs. Bell told Mr. Barnaba to have his attorney reach out to her.

Mr. Schanzenbach stated that it will need to be submitted to the county and the subdivision and variance requests will need to be submitted together.

Mr. Schanzenbach said that Mr. Barnaba will need a subdivision with a variance on the lots. The board needs to do an evaluation of the variances based on the current zoning, R-40. Mr. Barnaba is asking to subdivide it and is asking for several variances per lot. The area variance requires 5 criteria and that will determine what is best for the area. Benefit to an applicant with determinant to health safety and welfare of the community.

The board shall balance:

1. Whether the benefit can be achieved by other means feasible to the applicant
2. Undesirable change in the neighborhood character or to nearby properties
3. Whether the request is substantial
4. Whether the request will have adverse physical or environmental effects
5. Whether the alleged difficulty is self-created

We look at the variance as a whole, size, frontage, depth, front yard setback and side yard setback.

Mr. Schanzenbach opened questions to the board.

Mr. Sykes stated that the board could be looking at 110 variances or more, which is a very unconventional way and as it stands today, he can build duplexes. If this is turned down, he can still build.

Mr. Virginia stated that no matter what Mr. Barnaba is going to build either 22 single homes or 12 duplexes equaling 24 units. He said that Mr. Barnaba builds a good product and he hoped to hear more about duplexes vs. single-family homes. His opinion is that he thinks that single family homes are a better choice for the neighborhood.

Mr. Sykes stated that it was submitted to the Town Board because we didn't want to see duplexes.

Mr. Barnaba said that this is not the preferred layout. He would rather make 24 houses. Building duplexes or condominiums requires me to have an HOA for each lot which is very expensive. The buyers will also get a discount on their taxes.

Mr. Virginia asked how the board can afford Mr. Barnaba an area variance without a subdivision plan. He said that the board needs a plan so they can evaluate what the variances are.

Mr. Schanzenbach stated that the board is trying to come up with the best plan and they need to discuss this with the town attorney, and they have asked Mr. Barnaba for a subdivision plan.

Mr. Schanzenbach says that if the board grants any of the variances, it is required of us to grant the minimum relief required and that is up to the applicant to prove that the minimum relief is

being asked for and that's what the board is granting. Looking at the lot size, the R40 requires 40,000 sq. ft. lots and you're asking for 17,000 sq. ft. lots. However, you have an alternate plan and you've been on record at several meetings saying, "I could do this instead". In that situation, the minimum relief is zero, because there is a way to develop the property with the R40 zoning. So, he asked Mr. Barnaba, why would we grant any relief to the lot size?

Mr. Barnaba said that he thinks the Board would prefer the single-family unattached homes. So, you would grant relief because you decide that it's in the best interest of the town and the residents.

Mr. Schanzenbach said that he understands Mr. Barnaba's comment and he is unsure of what the final product ends up being, factors in whether we're granting the minimum relief necessary.

Mr. Schanzenbach stated that granting any variance sets a legal precedent, meaning if we grant these variances to one person, we would be setting a precedent going forward. The board must go through the standards and that seems substantial. He thinks that this is a large hurdle that Mr. Barnaba will have the burden to overcome. He will need to demonstrate its benefit, which appears heavier in cases which it seeks to create and develop non-conforming lots. In the creation of these lots, it is of greater benefit to the neighborhood than not.

Mr. Barnaba stated that this is not the route that he envisioned.

Mr. Schanzenbach indicated they will keep the public hearing open until next month so the Board can continue to hear comments from the public.

Mrs. Bell indicated that she did not want the Board to get into the weeds with the developer on, if he can meet the burden.

Mr. Barnaba indicated he was trying to be transparent. Mr. Schanzenbach reminded the developer that the Board cannot move to a vote tonight anyway without referring to County.

Mr. Virginia reiterated that the Board needed an application as well.

Motion by Mr. Virginia, seconded by Ms. McMahon to adjourn to the next regular meeting on June 10, 2025, at 6:00 pm.

Mr. Sykes – Yes, Ms. McMahon – Yes, Mr. Roman – Yes, Mr. Virginia – Yes, Mr. Schanzenbach – Yes, Mr. Bowes – Yes, Mr. Budosh-Absent

Meeting Closed at 8:04pm

Respectfully submitted,

Kim Vandemark

Town Clerk

Dated: 05/15/25