

Planning/Zoning Board Meeting of the Town of Van Buren held on October 14, 2025, at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York was called to order at 6:00pm.

Pledge of Allegiance

Roll Call:

|                        |         |
|------------------------|---------|
| Mr. Claude Sykes       | Present |
| Ms. Jesse McMahon      | Present |
| Mr. Roger Roman        | Present |
| Mr. James Bowes        | Present |
| Mr. James Virginia     | Present |
| Mr. James Schanzenbach | Present |
| Mr. Mark Budosh        | Present |

Also Present:

|                  |                          |
|------------------|--------------------------|
| Mr. Rich Andino  | Town Attorney            |
| Mr. Jason Hoy    | Town Engineer            |
| Mr. Thomas Fuzia | Code Enforcement Officer |
| Mr. Chaz Gambino | Director of Codes        |

**Minutes:**

Motioned by James Virginia, seconded by Roger Roman, to approve the minutes of September 9, 2025, as revised with changes.

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

**Public Hearing – Site Plan Review and Area Variance Request – Jammers Boat Storage, 6952 Winchell Rd., Tax Map ID# 055.-04-02.1:**

Motion made by Mr. Sykes, seconded by Ms. McMahon to adjourn regular session and go into Public Hearing.

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

Ben Harrel from CHA Consultants was present to address the board. Applicant stated during the previous board meeting, there were county comments and board comments regarding the property line shown cutting through the site plans. Upon obtaining the 2023 subdivision map, Jammers and the rear parcel were merged into a single lot as previously approved whereby eliminating the need for county comments.

Applicant is seeking an area variance for a side yard setback from 25 feet to 10 feet for the construction of a proposed boat storage building. This is necessary due to grading, existing roadway and stage located on the property.

Applicant stated that a 10-foot variance would allow the existing roadway to be extended to use to connect to the boat storage building. Also allowing for future commercial development in the rear of the parcel.

Applicant added if they were to comply with a 25-foot variance, they would have to snake the driveway to make it accessible for trailering boats, resulting in the road being shared with future tenants and increasing the impervious coverage. There is no impact to neighbors allowing the variance request.

Chair asked if there is somewhere in the middle to reduce the need there without going full blown for area variance request? Applicant responded he does not believe so,

Chair asked if there were any other comments from the Board. No one spoke. Chair asked the Board if they were ready to vote tonight. Majority were ready to vote.

Chair asked if there was anyone that would like to speak in favor, or against this application. No one spoke.

Motion made by Mr. Skyes, seconded by Mr. Virginia to close the public hearing and enter back into regular session.

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

The Chair asked the applicant to explain the future development presented on the site plans.

Applicant responded what was shown on the site plan are general footprints of what they are anticipating for the lot. Applicant stated it is unlikely that it will be another restaurant due to that creating competition with the existing restaurant.

Chair stated the site plan shows a 7.5% grading slope on the proposed driveway for that small segment. Chair asked if the applicant knows what the slope is leading up to that.

Applicant believes that the topography may be outdated. The lines depicted extend further; there is a small asphalt addition off the back of the stage.

Mr. Schanzenbach asked if the driveway behind the restaurant already exists.

Applicant responded yes, light grey is present and dark grey is proposed.

Mr. Schanzenbach stated that originally the need for the variance was due to the 7.5% slope, now the board is hearing about future development that appears to be the primary reason for the variance.

Applicant affirmed that it is a combination of both. When you have a 7.5% slope, if you were to push it further, the driveway must be positioned to work with the slope.

Mr. Schanzenbach asked the board if this was addressed during the previous board meeting.

The board responded yes.

Mr. Schanzenbach stated the drawings the applicant is showing regarding future development are not included in the boards packet.

Applicant responded no. They were configured to help understand the driveway reconfiguration. Applicant added that if the driveway was kept there, it would be at 15%. If the driveway was pushed out it would impact future development.

Mr. Schanzenbach responded, when making a case for a variance, why not include all the information necessary.

Applicant apologized, stating that he brought them to assist the board in visualizing the plans.

Mr. Schanzenbach stated that the applicant is requesting a 10-yard setback in a large lot. There are multiple possibilities for future development without requesting a variance.

Applicant responded that there would be a loss of over 10,000 square feet of buildable/rentable space and adding more parking.

Chair stated future development is not currently on the table. The board is unable to predict what the future development may or may not be.

Chair asked applicant if he had looked at other options, and if the driveway could be tighter.

Applicant responded that if the driveway is tighter, it will affect musicians from the ability to load and unload equipment to and from the stage. Currently, the stage is 3-feet above the roadway, the driveway would have to be pushed out in order to make it work and comply with the 25-foot side yard setback.

The Chair acknowledged that the grading is not depicted on the plans provided so the Board is taking the Applicant's word.

Mr. Schanzenbach responded that they are only supposed to be bringing the minimum relief required, and it is hard to see what the minimum relief would be over the large parcel that could be developed in multiple ways. So, it's a hard ask.

Chair asked if the applicant could get away with anything less than 15 feet.

Applicant responded no, not without significantly affecting the future abilities of the property.

Chair stated once again that the board cannot be concerned with future development on the property unless plans were brought to them showing the future development.

Mr. Sykes added that the future development outlined dictate the road may need to be changed.

Applicant responded that the parcel is no longer a PUD, it was rezoned Industrial. Another benefit to the variance is the road would not be shared with future development. A gate could be installed to cut off access. The road would be solely used by the restaurant.

Mr. Schanzenbach asked if going with 25 and 25 would impact the ability to trailer boats down the road due to grading.

Applicant responded yes.

Chair asked if there was somewhere in the middle that would work and not impact the stage, if there's a way to move that building 5 feet or 10 feet and ask for a smaller variance.

Applicant responded that even a 5-foot difference would impact deliveries to the restaurant and access to the stage.

Attorney advised that a decision does not have to be made tonight, the Applicant could submit more plans for the board to review.

Chair asked if the board had any further comments or concerns. No one spoke.

Chair stated they can go two ways here, call for a vote and do a resolution tonight, or we can hold off and get additional information and move on from there.

Chair asked the board for their thoughts.

Mr. Sykes, Mr. Schanzenbach, and Mr. Roman requested more information be provided.

Mr. Bowes, Ms. McMahon, and Mr. Virginia were ready to vote.

**RESOLUTION NO. \_\_**  
**OF THE**  
**ZONING BOARD OF APPEALS**  
**OF THE TOWN OF VAN BUREN**

Lot 1 Winchell Road, LLC (Applicant) seeks variance relief from Section 200-45 of the Town of Van Buren Zoning Code related to the setback for an accessory detached storage structure on vacant property located at 6952 Winchell Road, Tax Map No. 055.-04-02.1, in the Town of Van Buren (Property). Applicant applied for an area variance to allow a detached structure to be located less than 25 feet off the side yard lot line. The Property, consisting of approximately 16.7± acres, is located in the Industrial A (InA) Zoning District.

Section 200-45 of the Zoning Code requires a 25-foot side yard setback for detached accessory structures. Applicant seeks to locate an accessory boat storage structure 10 feet off the Property's side yard lot line at the rear of the Property. Applicant explained that the placement of the proposed structure was influenced by the location of the driveway and topography of the Property. It is further acknowledged that the Property is an irregularly

shaped parcel with a 20 foot wide drainage easement and 20 foot wide sanitary sewer easement (owners not indicated) located to the west of the proposed boat storage building, a 200 foot Niagara Mohawk Power Corporation Easement located along existing power lines, a 40 foot wide access easement along the northern and eastern parcel line. There is an open area on the Property labeled “Future Development Area.”

In support of the application, Applicant submitted an Application for Variance, Short Environmental Assessment Form, Sheet C-100 titled, “Overall Site Layout Plan,” with zoning narrative prepared by CHA Consulting, Inc., dated August 18, 2025, as last revised October 9, 2025, Sheets A-100, titled “Floor Plan,” and A-201, titled “Building Elevations,” prepared by MacKnight architects, dated August 11, 2025 and sheets C-001 (Title Sheet), C-101 (Site Layout), C-102 (Storage Building Parking Plan); C-201 (Grading Plan); C-202 (Drainage Plan); C-301 (Erosion and Sediment Control Plans); C-302 (Erosion and Sediment Control Details) all dated August 18, 2025 as last revised October 9, 2025. CHA Consulting appeared before the Board on behalf of the Applicant offering the Board an explanation for the requested variance relief and addressing the Board’s concerns. A public hearing was held on October 14, 2025, pursuant to public notice.

Based upon the submission of Applicant and the testimony presented at the public hearing, the Board resolves as follows:

1. This matter is Unlisted under the State Environmental Quality Review Act as it involves an individual setback and the granting of an area variance related to location of detached accessory structure. The Board does hereby appoint itself lead agency for the

uncoordinated review of this matter. The Board finds that granting the requested relief will not result in any significant adverse impact upon the environment. The Property is not located in a critical environmental area and, as proposed, the granting of the variance relief will not pose any significant impact upon the water, air, agricultural resources, or community character and growth.

2. With regard to the requested variance from Section 200-45, it is determined that area 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.

3. For the reasons set forth, variance relief from Section 200-45 is hereby granted to allow an accessory detached storage structure to be located 10 feet off the Property's side yard lot line, as set forth on Sheet C-100 titled, "Overall Site Layout Plan," prepared by CHA Consulting, Inc., dated August 18, 2025, as last revised October 9, 2025.

Roll Call Vote:

|                    | Aye           | Nay           | Other         |
|--------------------|---------------|---------------|---------------|
| Mark Budosh        | <u>  x  </u>  | <u>      </u> | <u>      </u> |
| James Virginia     | <u>  x  </u>  | <u>      </u> | <u>      </u> |
| James Schanzenbach | <u>      </u> | <u>  x  </u>  | <u>      </u> |

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

Motion.

Mr. Schanzenbach asked if lighting would be necessary for the building.

Applicant responded, not at this time. If that were to change, they would come back before the board for any lighting approvals.

Chair asked if there were any further questions from the board. No one responded.

Montion made by Mr. Virginia, seconded by Mr. Roman to approve Lot 1 Winchell Rd LLC Site Plan for 6952 Winchell Rd Warners NY, 13164, as shown on Sheets C-001 C-100 C-101 C-102 C-201, C-301, and C-302 dated August 18, 2025 revised on October 9, 2025.

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

**Public Hearing – Area Variance for Lot Coverage – Dr. Kadura & Ms. Hart, 422 Dewport Rd., Tax Map ID# 064.-03-46.1**

Motion by Mr. Virginia, seconded by Mr. Roman, to adjourn regular session and go into Public Hearing.

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

Alex Samoray from Keplinger Freeman Associates was present to address the board. Applicant stated that the property owner is requesting an area variance to bring the previous 2023 approval to compliance. The previous application did not include the driveway. Applicant added that the accessory structure has slightly increased in size otherwise everything is within the approved code. Previous application did not include the building height variance. Letter from the neighbor was supplied to the Board.

Chair clarified that the applicant is looking for a variance in lot coverage from what was previously approved at 29% to 43%.

Applicant confirmed lot coverage is 43%, and stated that the building height is 28 ft and the code is 15 ft.

Chair questioned the building height being 28 ft.

Code Enforcement Officer stated the building's height is 28 5/8 ft.

Chair confirmed 29ft (to round to next foot measurement).

Applicant confirms.

Chair looks for any comments from the public for or against the application, no one spoke.

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

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

Chair addressed a letter submitted by the neighbor of the Applicant in support of the structure.

Chair asked if the recreational accessory structure had been built yet.

Applicant responded no.

Chair asked without the recreational accessory structure the lot coverage would be 32%.

Applicant responded yes, it is still over because the driveway was not included previously.

Chair states that if for some reason this doesn't get approved for lot coverage, 32% coverage will still need to be approved by the Board.

Applicant agreed.

Mr. Virginia asked about the building height. Applicant responded that the height variance was not requested on the original applicant and Applicant provided a new application to include the height variance request. He stated the plans show a 32 ft height of the building height. Peak is 32 ft; mean is 29 ft. Code reads to go to mean height, no peak.

Chair asked if there is any way to achieve the goal of this structure without needing the variance.

Applicant responded no.

Chair asked the Code Officer what the side yard setback for an accessory structure is.

Code Officer responded 5 feet, minimum.

Chair asked the board for any additional questions.

Mr. Virginia asks if there will be any lighting on the building.

Applicant responded no.

Mr. Virginia asked about the side windows. He did not understand where the windows were.

Applicant advised the windows are facing out pool side.

Mr. Schanzenbach asked if there were any additional letters from neighboring properties.

Applicant stated that there are no other neighbors. Only one neighbor on one side; the other side is currently vacant; rear is a retention pond.

Mr. Schanzenbach asked if she checked the 43% lot coverage; Applicant confirmed yes and indicated the previous issue stemmed from the asphalt driveway not being included in the lot coverage.

Applicant added that the lot coverage currently includes everything impervious on the property.

Chair asked if there were any other questions or comments from the board.

Mr. Sykes asked the Applicant if there were any sound barriers to prevent the sound of a basketball from echoing.

Applicant responded yes sound barrier walls will be installed.

Chair asked for any other questions, comments or concerns – no one responded.

**RESOLUTION NO. \_\_\_\_**  
**OF THE**  
**ZONING BOARD OF APPEALS**  
**OF THE TOWN OF VAN BUREN**

Katarina Hart (“Applicant”) of 422 Dewport Road has applied for area variance relief from Section 200-45 of the Town of Van Buren Zoning Code to increase the permitted lot coverage to allow for the construction of backyard improvements, consisting of an inground pool, patio, walkways, and recreational accessory structure, and a building height variance

to allow for the accessory recreational structure to be a mean height of 29 feet tall (with a peak height of 32 feet). The property is located in the Planned Unit Development (PUD) District and is identified as Tax Map No. 064.-03-46.1 ("Property").

Under Section 200-45 of the Zoning Code, the maximum permitted lot coverage in the PUD Zoning District is 20%. In September 2023, Applicant obtained an area variance to increase lot coverage to 29%. Applicant now seeks additional relief to increase the maximum permitted lot coverage from 29% to 43% to accommodate changes to the backyard amenities and, as depicted on the "Accessory Building Variance Plan, Hart Residence," as dated/last revised on October 14, 2025 prepared by Keplinger Freeman Associates. In addition, Applicant seeks variance relief to construct an accessory structure with a mean height of 29 feet tall (with a peak height of 32 feet), 14 feet higher than the 15 feet height that is permitted.

In support of the application, the Applicant submitted an Application for Variance, building elevations, consisting of Sheets A1, A2, and A3, titled "Hart Court," prepared by Rod Van Der Water, dated January 28, 2021, "Accessory Building Variance Plan, Hart Residence," prepared by Keplinger Freeman Associates, and a Short Environmental Assessment Form, dated August 28, 2025. A public hearing on the application was held on October 14, 2025, and the Applicant addresses the area variance criteria. A letter of support for the Application from Allison Markovits and Greg Marakovits (neighbors residing at 428 Dewport Rd.), dated October 7, 2025 was received by the ZBA and entered into the record.

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 further increase lot coverage 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. The requested area variance relief is hereby granted to allow the maximum permitted lot coverage to increase from 29% to 43%, in accordance with the Accessory Building Variance Plan, Hart Residence,” prepared by Keplinger Freeman Associates, and the Board does further grant Applicant’s request to construct an accessory recreational structure 29 feet in (mean) height (with a 32 foot peak), in accordance with Sheets A1, A2, and A3, titled “Hart Court,” prepared by Rod Van Der Water, dated January 28, 2021, for property located at 422 Dewport Road, Tax Map No. 064.-03-46.1.

Roll Call Vote:

|                | Aye          | Nay           | Other         |
|----------------|--------------|---------------|---------------|
| Mark Budosh    | <u>  x  </u> | <u>      </u> | <u>      </u> |
| James Virginia | <u>  x  </u> | <u>      </u> | <u>      </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> |

**Subdivision Application – Mary Crego, 47 Cross Country Drive, Tax Map ID# 033.1-05-31.0**

Mary Crego was present to address the board. Applicant advised she is looking to subdivide the east end of her lot and sell to the neighbors. Applicant stated that a letter was submitted on behalf of the neighbors, and that it would not be a land lock parcel.

Chair confirmed the letter was received.

Applicant adds that the neighbors have been maintaining the property for many years.

Chair stated it is a simple subdivision, with no need for County comments, and they will need to call a public hearing on this matter.

Chair opened the board to any questions or comments. No one spoke,

Motion by Mr. Virginia, seconded by Mr. Schanzenbach to schedule a public hearing for November 12, 2025

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

**Area Variance – Sarah McBride, 532 Crandon Terrace, Tax Map ID# 031.7-01-01.0**

Sarah McBride was present to address the board. Applicant is requesting an area variance for installation of a fence. Applicant stated her lot is triangle-shaped, resulting in the majority of her property being on the side of the house.

Applicant is requesting a 15 ft variance. Also, stating, the fence would in no way affect visibility on the roadway.

Chair responded that a public hearing will be necessary.

Applicant confirmed.

Chair asked the distance from the southern direction coming off the building line past the shed.

Applicant responded a little more than 15 feet, probably 17 feet.

Chair recommended that the Applicant have all the dimensions written out prior to the next meeting.

Chair asked when the shed was installed and if there were any plans to move the shed.

Applicant responded that the shed was there prior to them moving in, with no plans of them moving it.

Chair advised the Applicant if they were to take down the shed one could not go back in the same location it would need to be within the building line.

Applicant understood.

Chair asked the Town Attorney if they would have to approve the location of the shed.

Town Attorney responded Yes, and it would be another area variance request.

Chair asked if the fence would be a 6-foot stockade fence.

Applicant confirmed Yes.

Chair responded that Applicant would need two separate variances: one for the accessory structure being outside the building line, and one for the 6-foot fence.

Applicant asked if another variance request for the shed would be necessary. Town Attorney confirmed. Applicant will need to submit an amended application, and the public hearing will be scheduled for both.

Chair asked for any other questions from the board. No one spoke.

Motion by Mr. Sykes, seconded by Mr. Roman to schedule a public hearing for November 12, 2025

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

**Minor Subdivision/Parcel Merge – CDS Housing, Van Buren Road, Tax Map ID# 031.-03-06 & 031.- 03-07**

Al Yager from CHA Consulting was present to address the board.

Applicant informed the board that in 2023, this plan was brought forward. A public hearing was held; zone change was granted to PUD and Applicant received site plan approval. A contingency of the approval was the subdivision be completed to merge the two lots. The Applicant added the reason for the rush for the building permit which has been submitted to the Codes office, is part of the Applicant's construction financing through HCR requires the Applicant to have all the building permits in place before they can close on their construction financing which is scheduled for mid-November. Unfortunately, the Codes Office is unable to issue the building permits because the building crosses the lot line until the subdivision is complete.

Applicant stated that Section 175-10 of the Town of Van Buren code states the planning board is authorized to waive, when reasonable, any requirements or improvements for approval. In this instance, the subdivision application being classified as a minor subdivision with the public hearing having already been held for the overall project and site plan having already been approved with a condition of the approval being the subdivision to combine the two lots into one. Applicant asked if the board be willing to waive the public hearing and provide a resolution to approve the subdivision.

Chair questioned why this lasted so long.

Applicant responded that they thought it had been completed prior and had simply fallen through the cracks.

Director of Codes added that he spoke to the accessor who stated two deeds must be recorded with the County Clerk's Office and the deed should state reason is for a lot merger. Until the deeds are recorded, they are deemed two separate lots.

Applicant understood.

Chair stated that the Town Attorney's recommendation was to hold a public hearing.

Chair asked if a public hearing were to be held would there be enough time to get everything settled.

Director of Codes added that the plans are currently out for 3<sup>rd</sup> party review, with a completion time frame of beginning of November.

Chair asked if the board has any questions or comments or whether or not a public hearing should be scheduled.

Mr. Schanzenbach asked the applicant when the original approval was.

Applicant responded September 2023.

Chair responded based on the Town Attorneys' recommendations, and what the Code office has stated regarding the time frame on third party review, what is the board's opinion.

Applicant stated that there are other factors to consider. After this is approved, it has to go to the Health Department for their final approval. And the signing and filing of documents, they are really tight for time.

Mr. Sykes asked, with the original application, a condition of approval was to merge the two lots.

Applicant confirmed.

Mr. Sykes followed up that he had no problem without having a public hearing, as did Ms. McMahon, Mr. Virginia and Mr. Bowes.

Mr. Schanzenbach addressed the Town Attorney to ask if the statement the applicant read applies to waving a public hearing as a board.

Town Attorney stated it is not clear if that language is applicable in this instance, which is why they recommend holding a public hearing.

Mr. Virginia asked if this went before a public hearing in 2023.

Town Attorney responded the previous public hearing was on the site plan not on the lot merger.

Chair reiterates that it was approved with the condition that the lots be merged.

Chair asked if Board had any comments on special use or site plan. No one commented.

All board members agreed to waiving a public hearing.

**| Resolution Pending |**

Roll Call Vote:

|                    | Aye          | Nay           | Other         |
|--------------------|--------------|---------------|---------------|
| Mark Budosh        | <u>  x  </u> | <u>      </u> | <u>      </u> |
| James Virginia     | <u>  x  </u> | <u>      </u> | <u>      </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> |

**Zone Change from AR-40 to PUD and Referral to Town Board – Harbor Heights/Small Parcel, Downer Street, Tax Map ID# 036.-03-21.0**

Al Yager from CHA Consulting was present to address the board. Applicant stated he met with the PUD committee on October 3, 2025, to discuss the proposed PUD zoning requirements.

Applicant stated they went from 29 lots to 27 lots with the minimum lot size of 13,500 square feet, the minimum lot width is 90 feet, the minimum lot depth is 150 feet, the front yard setback is 25 feet principle and accessory, the side yard setback is 5 feet with 20 foot provided, the minimum side yard accessory is 5 feet, the minimum rear yard is 25 feet for the principle structure 5 feet for the accessory, and the maximum building height is 30 feet with lot coverage of 35%.

Chair asked if there were any committee members present that would like to discuss comments.

Mr. Schanzenbach responded, stating the committee took the time to explore Harbor Height's development in detail as far as lot sizes and yard setbacks, resulting in the determination that the development is very diverse. There are some lots sizes from 7,500 sf all the way up to 25,000 sf down by the river and then sprinkled throughout other parts of Harbor Heights. They calculated the total area, and the amount of lots to determine the density then applied that to this project consisting of 13 acres.

Mr. Virginia added that the committee felt a higher density near the road is something they are seeing more and more of.

Mr. Schanzenbach added that they did decide to vary the setback slightly.

Applicant responded that setbacks could vary in the front yard of a PUD. The three lots on the curve were going back to a 35 ft setback to make them work. There are also some larger lots in the subdivision which work essentially from lot development size.

Applicant added they need that setback to get the lot width that the board desires. The lot width is based off of the front yard setback line according to the Town of Van Buren code requirements.

Mr. Virginia adds that it also helped with stacking cars in the driveway to avoid cars on the street.

Mr. Schanzenbach stated with lot coverage, they went with a slightly higher percentage than what they saw in their code to accommodate that more people are using outdoor space for patios, hardscapes, pools, driveways and accessory structures.

Applicant stated they developed a grading plan that included storm water management, and backyard swale. As shown, the pond will reduce flows from the 10-year storm event from 1.78 cfs per second to 1.6 cfs, and for the 100-year storm event from 7.42 cfs to 5.96 cfs. The site plan shows significant peak flow from this property that reaches an undefined swale that goes to a culvert to the east crossing of South Gate Road.

Applicant spoke to the Town Engineer prior stating they should speak to homeowners about establishing an easement there and incorporating it into the drainage district and doing some improvements to get that area to drain a little better than it does currently.

Town Engineer added that the Applicant is referring to an existing ditch that drains the piano key lots on Downer Street and back houses on Lanyard Lane. The town never took an easement through the area upon development. Essentially its Town water going through private property. It would be wise for the Town to take the easement; however, it may be difficult with some of the existing homeowners. The Town is trying to find a resolution that works.

Mr. Sykes asked if there was anyways to discharge that to the west and go under Commene Road and dump it out towards the flow area.

Applicant responded that it would not be allowed to do that under the storm water design guidelines.

Chair stated that in the letter given by the Applicant it states he has been in contact with OCWA, NYS DOT, and has not heard back from the DOT.

Applicant stated NYS DOT has not responded but does not see this being an issue due to there being more than enough site distance as it is straight and level there. Every property is allowed to have a curb cut that fronts a state highway so they will not deny a curb cut. From a traffic impact statement, this is Route 31, and the peak hour volumes are minuscule to the whole scheme of things.

Chair responded that he would like to receive a traffic memo . He would like a letter from NYS DOT that they are agreeable with where you show the curb cut. Second item is a traffic memo.

Applicant asked if Chair would like these two items before referral to Town Board. Chair responded yes.

Chair added there are 22 other items that need to be answered regarding storm water layout, additional swales that need to be added, and grading, prior to a referral being made back to the Town Board. Applicant needs to make sure his client comes in and address everyone one of those items. Traffic study can do a traffic memo with what a trip generation would be for this site.

Applicant asked for some relief on requested items. Chair indicated the Board needs to see how stormwater, grading or anything else is going to impact any of these existing properties. Including size of your storm water management area that won't affect the houses along Lanyard Lane. But if Applicant is looking at additional drainage, swales, piping or anything similar, those items might start impacting the proposed lots.

Chair inquired where the Applicant was regarding wetland information.

Applicant responded that plumbing is scheduled for next week.

Chair asked the board for any comments or questions.

Town Engineer asked the Applicant to include the larger parcel when conducting the traffic memo.

Applicant stated that since they have not made a new application for that parcel, he would like the two projects to be considered as stable projects. They will account for the traffic when we do the larger project if that is acceptable.

Chair indicated that since Applicant knows that development is coming, he would like some sort of assumptions as the Town Engineer requested. Using maximum is probably best.

Chair also advised he would like some more time to review what was submitted, making sure to show drainage, piping and general areas of where the water is going to flow, where your outlets are going to be into the swale, as well as a utility plan.

Applicant added they are going to approach National Grid to get the power lines underground.

Mr. Schanzenbach asked if it will be for the whole neighborhood.

Applicant responded no, just the one area where the easement is.

Chair advised prior to the next meeting, if the board has any inquiries or comments, they will communicate them beforehand so adjustments can be made.

Chair asked the Applicant to be prepared to go thru every item on the list during the next presentation.

Chair asked for any questions or comments from the board. No one responded.

Motion by Mr. Sykes, seconded by Ms. McMahon to adjourn to the next regular meeting on November 12, 2025, 6:00 PM

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

Meeting Closed at 7:48pm.

Respectfully Submitted,

Kamri Kiteveles, Codes Clerk