

April 8, 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
Mr. Roger Roman	Present
Ms. Jesse McMahon	Present
Mr. James Bowes	Present
Mr. James Virginia	Present
Co-Chair James Schanzenbach	Present
Co- Chair Mark Budosh	Present

Also Present:

Nadine Bell, Town Attorney

Jason Hoy, Town Engineer

Mrs. Wendy Van Der Water, Town Supervisor

Mr. Tim Ganey, Codes Enforcement Officer

Mr. Thomas Fuzia, Deputy Code Enforcement Officer

Ms. Kim Vandemark, Codes Clerk

## **MINUTES**

Van Buren Planning Board Motion by Mr. Virginia, seconded by Ms. McMahon, to approve the minutes of the March 11, 2025, as published. Motion carried unanimously.

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

Mr. Budosh stated that the first item on the agenda is Andrew Whiting, 6929 River Rd. Tax ID # O45.-01-05.7 for a variance for a proposed fence.

Andrew Whiting, 6929 River Rd. Memphis NY 13112 was present to address the board. He stated that he contacted Arrow Fence, and they came out and marked the perimeter to see what would work best for a fence to be put in. I came into the town and applied for a permit. The code officer brought a couple of issues to my attention that he was concerned with. He stated that I would need to come before the Zoning and Planning board for an area variance because there is an issue with the line of site and the height of the fence. There is a decent that starts on the other side of the road to my driveway with a 20ft-30ft drop off. The issue that I have is that from the road you can only see the top of my roof. The way my front yard is if I were to do a 3ft fence instead of a 5ft fence, it would allow predators and possibly a large dog the ability to jump over the and easily attack my small dog. I know that part of my property that I would like to put the fence in is considered the front yard, there would be an issue with the line of sight from the road.

Mr. Budosh stated that this property does have two front yards. So, unfortunately in your case, you have the natural river right there. So, we would have to look at this on both sides of your house. Everything you described really shows that there isn't a sight distance issue. There's no issue in the backyard regarding sight distance either. The town reached out to the Canal Corp. and they would usually have to review an application like this, but they came back and said they have no interest in that piece of the river. Mr. Budosh also confirmed that we're not in the 100-year flood plain.

Mr. Budosh stated that we'll schedule a public hearing for next month's meeting on May 13,2025.

Mr. Budosh asked if there were any comments from the board. He also stated that he would like Mr. Whiting to translate on the survey map to show distances from the road to the fence. We need to have a better idea of where the fence is going to be with a layout of dimensions. This can be hand drawn and will need to be submitted to us by the next meeting. Mr. Busdosh asked again if there were any other comments from the board.

Mr. Schanzenbach asked Mr. Whiting to make sure that the map is in proportion and in scale so that it doesn't go over the building line.

Mr. Virginia asked Mr. Whiting to make sure that the map is drawn to scale and to do the layout with a ruler. He also stated that he drove by the property and if there was a fence, you

would not be able to see it from the road and that a 5ft fence would be enough, given that slope.

Mr. Budosh asked what type of fence he would be putting in.

Mr. Whiting stated that it's going to be a chain link.

Mr. Sykes asked if Mr. Whiting should get a sign off from the properties to the north and the south to see if they're aware of what he's trying to do and see if they have any objections.

Mr. Budosh agreed that Mr. Whiting should get a sign off from his adjacent properties at 6917 and 6937 across the street.

Mr. Budosh asked if there were any other questions, comments. He entertained a motion to schedule a public hearing for Andrew White and 6929 River Rd. Tax map ID # 045.-01-05.7 for May 13,2025 at 6:00 PM.

Motion by Mr. Virginia, seconded by Ms. McMahon.

Mr. Budosh asked if there were any comments. Hearing no comments all those in favor or against. No comments. Scheduled. Mr. Budosh stated again for Mr. Whiting to get the letter and survey to the codes office ahead of time and then we'll have the public hearing next month.

**SUBDIVISION – NE CONTROLS ,7048 INTERSTATE ISLAND RD, BALDWINVILLE, TAX MAP ID# 056.03-03.4**

Mr. Kurt Nichols of Delta Engineers was present to address the board. At the last meeting we had a list of about 10 comments that were addressed, and they are in the narrative letter. The project is with the subdivision which I call a reverse subdivision where the owner owns 2 adjacent lots which is surveyed and filed with the assessor. The project is an expansion of an existing industrial facility of Interstate Island Rd. It's a 80'x200' addition. It's going to be comprised of a parking lot and pre- engineered metal building addition. The existing facility and the addition will come off the East End which is a 200'x 80' ft addition. In the front there will be a parking lot and on the east side there will be a fire line. We designed a hydrant to be put on the corner of the building and the Fire Chief of the Lakeside Fire District was OK with everything that we've got so far. As for the building sprinkler, anything less than 400 ft is within code. Each of the reaches is less than 300 ft. of the hose line and when we added the fire hydrant, that makes everything even better. The parking lot currently has 38 parking spots. The parking lot is scheduled to be a gravel parking lot, but the first 50 ft of the driveway will be paved. There is also a plan to have adequate lighting for the parking lot area. The existing facility is going to match the elevation of the new addition. So, it won't be any taller than what's already there. It'll extend 200 ft out. With two garage

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doors that may or may not be there because we don't really have the pre-engineered metal building frame plan yet, so that may change. As for the pedestrian doors, when we get through with the pre-engineered metal building, we will send the codes department a life safety study. We've responded to all the comments and the Thruway Authority and Fire Chief has approved it. A SWPPP was submitted 2 months ago, and we will need a MS-4 sign off on this as well.

Mr. Budosh thanked Mr. Nichols for addressing all their comments. Going back to the combining of the subdivision of the lots. Do you show what the acreage of the two existing lots are? Do you have that information?

Mr. Nichols stated that the new lot is 2.25 acres and the existing one acre.

Mr. Schanzenbach stated that he doesn't think we have an administrative procedure just to combine the lots with the Assessor so I think you would need to file this with the Assessor.

Mr. Nichols stated that it has already been done. So, now when you look up the Tax Map it is one parcel.

Mrs. Bell mentioned that typically what we will do when you are combining two lots, one of the conditions when talking about a structure that crosses property lines or infrastructure for the project, often the subdivision approval is conditioned upon filing a recombined deed with the county clerk's office. What the county wants is one parcel on a deed.

Mr. Nichols said he would leave that up to the lawyer they hired to file that with the county.

Mr. Budosh asked if there were any questions or comments on this. We will have to schedule a public hearing for both the site plan and the recombining of the lots, but at this point, are there any other questions or comments?

Mr. Schanzenbach let Mr. Nichols know that he did a really good job addressing our notes from the last meeting and that the board appreciates it. Two small things. Is there any building signage planned for the new addition at this time?

Mr. Nichols stated that there will be no new signage. The only sign will be located at the main entrance.

Mr. Schanzenbach also asked about the trash enclosure. He stated that the town has been consistent in asking for vinyl enclosures, not chain link with slats. They tend to get worn over time and start to not look so good.

Mr. Nichols stated that they can make that happen.

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Mr. Budosh asked if there were any other questions or comments. Hearing no comments, the chair entertains a motion to schedule a public hearing for May 13th, 2025. For NE Controls 704 Interstate Island Rd. Tax Map ID#056.-03-03.4 for a subdivision and site plan approval.

Motion by Mr. Virginia, seconded by Mr. Sykes.

Mr. Budosh asked if there were any comments. Hearing no comments, all in favor.

**SUBDIVISION – MARION GARDEN TOWNHOUSES, VANBUREN RD, BALDWINVILLE, TAX MAP ID# 031.8-02-01.0**

Mr. Budosh entertained a motion to go into a public hearing for Marion Garden Townhouses. Van Buren Rd. Tax Map ID #031.8-02-01

Motion by Mr. Roman, seconded by Ms. McMahon.

Mr. Budosh asked if there were any comments. Hearing no comments, all in favor.

We are now in public hearing.

Mr. Darrigo of 106 Turning Leaf Dr. addressed the board. He came to the planning Board and requested a variance, and the decision was made instead to move to the town board and request a PUD amendment. So, we did go through the town board and submitted an amendment to the PUD and the two aspects of the PUD amendment were the subdivision of the Marion Gardens parcel into two separate lots and the second component of the PUD amendment was to modify the setback at one point in the subdivision to 12 ½ ft where the two lots divide. Now the town board is forwarding it to the planning board for your recommendation.

Mr. Budosh asked if he could explain what the actual subdivision is.

Mr. Darrigo explained that they have taken the single lot and we're getting the two, what we call 91 A and 91 B. At the board's request we have made some modifications to ensure that lot 91 A has a strip of land that connects it to Tuscany Lane. There will be existing built structures that will be included in lot 91A. There will be future construction on lot 91B. In addition to this they will be filing a cross-easement agreement which will allow both parcels access to the roadway within the full lot.

Mr. Budosh asked, based on the meeting minutes that I reviewed, this public meeting was for the land parcel of the town's parcel. He apologized and asked Mr. Darrigo if he could talk about the town parcel.

The request is to have the town lot subdivided, and it is going to parcels, two acres on the South side of the lot. When the one subdivision is approved and complete, we are in discussion with the town to potentially take those two acres and re lot them to commercial

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property. So right now, this is, as I understand, the public hearing for the subdivision of the lot that the town office sits on.

Mrs. Bell wanted to note that Mario Darrigo sent an e-mail on April 14, 2025 to the surveyor asking about the title review for the property. The OCWA review shows that the easement goes along the adjoining property, and it continues to the town property. The town engineer reached out to OCWA and their representative said that the easement can't be removed and is required to be there and they aren't willing to relinquish the easement. So, Mario was asking that this subdivision map now be revised to reflect that output easement because it currently doesn't.

Mr. Hoy stated that the 60-inch water line runs diagonally across the commercial property and then turns 45° so it can cross Van Buren Rd perpendicular to the pump station.

Mr. Darrigo showed what Mr. Hoy and Mrs. Bell were referring to on his map. There is another easement that exists and wasn't shown in the original survey.

Mr. Budosh asked if there was anybody in the audience that would like to speak for against this subdivision? Hearing no comments. Chair entertains a motion to leave the public hearing and enter back into general session.

Motion by Mr. Virginia, seconded by Mr. Roman

Mr. Budosh asked if there were any comments. Hearing no comments, all in favor. He stated that the board is back in general session for Marion Garden Townhouses, Van Buren Rd. Tax Map ID# 31.8-02-01.0

Mr. Michael Darrigo stated his address 106 Turning Leaf Dr.

Mr. Budosh asked if the board has any questions or comments.

Mr. Shanzenbach asked if the existence of the easement doesn't change, will that change anything that you're planning on doing right now?

Mr. Darrigo said that he can't answer that definitively yet, so unfortunately these easements have restrictions on them. So, we will need to confirm with OCWA that this additional easement has the same types of restrictions as the existing one that we know of, which is that this easement allows paved surface to go over, but no structures to go over it. So, I will need to reassess what kind of structures could fit on here and what orientation once we have that new easement added, because this is a commercial property. I will work with the brokers and start talking to commercial tenants.

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Mr. Schanzenbach clarified that Mr. Darrigo would like to move forward with the application that is on the agenda for tonight and would like the board to vote?

Mr. Darrigo stated that he agrees.

Mr. Budosh asked if there were any questions from the board.

Ms. McMahon asked if this is part of the larger original PUD approval.

Mrs. Bell stated that this will require a PUD amendment.

Mr. Budosh asked if there were any other questions or comments from the board. Chair approves the subdivision for Marion Garden Townhouses. Van Buren Rd. Tax Map ID #31.8-02-01 as shown on the subdivision plan stamped and signed by PJ O Surveyor dated January 10th, 2025.

Condition of Approval. Mr. Budosh stated that the board will need a revised map showing the revised easement on the same subdivision map.

Motion by Mr. Schanzenbach, seconded by Mr. Virginia.

Mr. Budosh asked if there were any comments. Hearing no comments, all in favor. Roll Call Vote, please.

Roll Call Vote:

Mr. Claude Sykes	Yes
Mr. Roger Roman	Yes
Ms. Jesse McMahon	Yes
Mr. James Bowes	Yes
Mr. James Virginia	Yes
Co-Chair James Schanzenbach	Yes
Co- Chair Mark Budosh	Yes

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**AREA VARIANCE- ELDAN HOMES- DOWNER ST RD, BALDWINSVILLE, TAX MAP ID# 036.-03-21.0**

Mr. Budosh stated that the next item on the agenda is Eldan Homes Downer St. Rd. & Commene Rd. Tax Map ID#036.-03-21.0 For an Area Variance.

Mr. Barnaba president of Eldan Homes was present to speak to the board. He stated that he was here tonight to ask for an area variance. He showed the required lot sizes under the current zoning, and then the request for variances, which would be narrower lots and shallower lots, slightly smaller lots in size and front yard and side yards. This is the second time that the board has seen a plan for this property. He also stated that he came before the board in the fall and requested a recommendation for a zone change, we showed that possibly 25 lots in an R15 configuration. It was recommended by the board to pursue an R15 as opposed to a PUD. The board voted 7 to nothing in favor of the zone change recommendation and the zone change was denied. We did attempt to compromised and we applied for a zone change in R20 and the application was rejected. Now we're asking the board for a variance. If the request is granted it would probably be 22 lots.

Mr. Budosh stated that the board is going to go ahead and schedule the public hearing for next month for this. We need the time to review this and If we have any questions or comments moving up to next month's public hearing we'll share them with you so you'll have the opportunity to respond to any comments. Are there any quick initial comments at this point?

Mr. Sykes asked if the application is for 22 lots or one lot.

Mr. Barnaba stated that he is asking for an area variance on the condition that the zoning regulations require this for the entire property, and then we take those new conditions and that would allow us to lay out the lots in this configuration with 22 lots. So, we're asking for an area variance on the size of the lots, the width of the lots, the depth of the lots and the setbacks.

Mr. Budosh asked if there were any other questions or comments?

Mr. Virginia stated that the town board said no and now you're coming back and asking for a variance.

Mr. Barnaba stated that he is now asking for a variance to be fewer residences and go with attached homes. If we build attached homes without subdividing the lots then it would require me to use the unique type of home ownership to convey title to each half of the building which would be a homeowner's association.



Mr. Budosh asked if there were any other questions or comments.

Ms. McMahan wanted clarify that what is being proposed is with less lots there will be duplexes and more lots there will be single family homes.

Mr. Barnaba stated that that is correct.

Mr. Virginia asked how many units did you say the duplex would be?

Mr. Barnaba stated that it will be 24 units and 12 lots and we would service the homes with private roads.

Mr. Budosh stated that the chair entertains a motion to schedule a public hearing for Eldan Homes, Downer Street Road and Commune Rd. Tax Map ID#036.-03-21.0 to schedule a public hearing for May 13th, 2025.

Motion by Mr. Schanzenbach, seconded by Mr. Roman

Mr. Budosh asked if there were any comments. Hearing no comments, all in favor. Scheduled.

**SPECIAL USE PERMIT/FILL PERMIT – JAMES MASSETT, 7319 STATE FAIR BLVD, SYRACUSE, TAX MAP ID# 064.-01-33.6**

Mr. Budosh stated that the next item on the agenda is, James Massett 7319 State Fair Blvd Tax Map ID#064.-01-33.6 for a Special Use Permit.

Mr. Massett addressed the board that he would like to build a house at 7319 State Fair Blvd. He is looking to put fill on the property where he is planning to build a house because his property is very low compared to the surrounding properties.

Mr. Sykes asked Mr. Hoy if he has reviewed this for wetlands.

Mr. Hoy stated that there are wetlands near there but doesn't know if they extend into his property.

Mr. Budosh stated that the wetlands are a big concern. Obviously, you want to raise the property to a certain level. The runoff from the property is going to get off the property at a higher velocity. So, we're going to have to take a look at the storm water and you'll have to do a SWPP. The other concern was the property line in the southeast corner of the property. We will need to know how that will blend in and not trap water in that area.

Mr. Massett said that there's a large 15 to 20 ft wide and 6 ft deep swale that runs the whole length.

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Mr. Budosh stated that lots 240, 241 and 242 would be my biggest concern. I recommend that you contact the DEC and see what you can do on this property. Once you have answers come again before the board.

Mr. Budosh asked if there are any other comments that the board might have at this point?

The board had no comments.

**ZONE CHANGE FROM R40 TO LB- PATRICIA PALUMBO 7758 MAPLE RD,  
BALDWINSVILLE, TAX MAP ID# 030.-02-23.0**

Mr. Budosh stated that the next item on the agenda is Patricia Palumbo, 7758 Maple Rd. Tax Map ID#030.-02-23.0. This is for a zone change which was referred to the board from the town board after the last town board meeting.

Mrs. Palumbo addressed the board that she is looking to do a zone change so that she can relocate their adult daycare program from the Town of Lysander, 80 Smokey Hollow Rd to 7758 Maple Rd. in the Town of Van Buren. Since Covid, our employees have gone from 200 to 150 which most of them are remote, so we only have about 6-8 people in the office. So, we would like to consolidate to one property.

Mr. Budosh asked if she is looking to go from R40 to local business. He also asked Mr. Hoy if the adjacent properties are zoned local business on one side.

Mr. Hoy agreed.

Mr. Sykes asked if she would like the zone change for the entire 13 acres.

Mrs. Palumbo said yes.

Mr. Sykes stated that previously there was some talk about the Thomas Dr. site and that it would be single family residential housing there. He also stated that that might have been prior to your purchase of the property.

Mrs. Palumbo agreed that it was before she purchased the property.

Mrs. Bell stated that what Mrs. Palumbo is asking for is just a zone change. She has a R40 and she wants to change it to local business and there is an adjacent property that is zoned as a local business.

Mr. Sykes asked if they can do single family in the local business zone? I just want to make sure Mrs. Palumbo understands that she's precluding herself moving to the local business zone. Previously there was talk of 3 or 4 houses over on Thomas Dr. I think this may come under some contest from those people on Thomas Dr. regarding it being zoned as a local business.

Mrs. Bell explained that Mrs. Palumbo would have the option to subdivide the property, create those parcels and have them remain R40 and rezone the balance.

Mr. Budosh said that we won't hold a public hearing. He recommended that this go back to the town board and Mrs. Palumbo make the recommendation that the town board consider whether or not preserving a couple parcels would be enough to accommodate the residents along Thomas Dr.

Mr. Budosh stated that this will be tabled until next month and Mrs. Palumbo agreed.

**PUD AND SUBDIVISION – MARION GARDENS TOWNHOUSES, VANBUREN RD, BALDWINVILLE, TAX MAP ID# 031.8-01-17.0**

Mr. Budosh asked Mr. Darrigo to review what he had previously addressed to the board earlier in the evening.

Mr. Darrigo addressed the board saying that he went to the town board to request an amendment to the PUD that governs the land that Marion Gardens Townhomes property is on. The amendment request includes two elements. The first is to subdivide the Marion Gardens six-acre lot into two separate lots, 91A and 91B. The second aspect of the PUD amendment is to revise the setback for one particular area on the subdivision to 12 ½ ft. We did update the subdivision to ensure that both the lots have access to Tuscan Lane which is the main point of egress. We will also be filing a cross-easement agreement that allows both parcels full use of the roads that run through the full project.

Mr. Budosh stated that there are two items, and one is going to require a public hearing to be scheduled for the subdivision portion of it. The two updates to the PUD are to go down to 12 ½ ft from 25 ft.

Mr. Sykes asked if that 12 ½ ft was only going to be temporary and do you plan to rejoin those lots at a future date.

Mr. Darrigo said yes. He plans to come back to the town and do another subdivision that would rejoin the two lots after we finish construction on the third and fourth phases.

Mr. Sykes asked how long he thought construction would take.

Mr. Darrigo stated he would guess 12 months in the first phase and another 14 to 16 months. So probably 2 -2 1/2 years. We are hoping to start this summer.

Mr. Schanzenbach mentioned that we must pretend like that those are going to be under two separate ownerships, maybe forever. We just must pretend to think about contingencies here. So, 91-B has to have a cross-access easement for conveyance of stormwater. It's something that we talked about in our internal meeting that we

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didn't think about when you were in front of us last time, but you need to be able to convey all that storm water to the detention pond. Unless you plan to do new detention ponds in 91.B, which I don't think is suitable for the size of the lot that you have there.

Mr. Darrigo said that he will have to look into what sort of modification that requires. Maybe a change to the SWPP or some sort addendum to the potential cross section.

Mr. Darrigo mentioned that the concern would be if for some reason you sold off that secondary lot and they didn't recombine them and then the town is stuck with storm water going across the lots. Obviously, that would be a big concern.

Mr. Virginia questioned whether Mr. Darrigo has all these cross easements set up and if the parcels stand independently, what's the board's re-course for approving this contingent upon them recombining with a bond.

Mrs. Bell stated that she can't see legally how we can say okay to create this lot now, but you just can't have it for a long time. Either it's OK or it's not. To answer your second question about whether you can do a bond. I would say, No.

Mr. Sykes asked again for the reason why this needed to be done in two separate parcels.

Mr. Darrigo stated that it is for financing. Splitting the lot into two separate parcels gives us the liberty to be able to leverage this lot with different lenders. So, it really gives us more flexibility in constructing the third and fourth phase.

Mr. Schanzenbach suggests that you encompass all the utilities so that there aren't any future issues if you were ever to sell one of the parcels.

Mr. Darrigo said that he can do that, and his understanding is that the cross-easement agreement that allows the sharing of the roads through the project would essentially cover that scenario. Also, the road sharing has already been drafted and submitted to our title company.

Mrs. Bell recommended that whatever referral you send back to the Town Board, that you make sure that if there's any conditions at all, you have them in your recommendation so that the Town Board is clear.

Mr. Budosh asked if there were any other questions or comments. Hearing no comments, all in favor. Chair entertains a motion to schedule a public hearing for Marion Meadows Subdivision Tax Map ID# 031.8-01-17.0 scheduled for May 13<sup>th</sup>, 2025.

Motioned by Ms. McMahon, seconded by Mr. Schanzenbach.

Mr. Budosh hearing 1st and 2nd. Any comments? Hearing no comments, all those in favor or against. No Comments. Scheduled.

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Mr. Budosh entertained a motion to close the Town of VanBuren Zoning and Planning Board meeting for April 8<sup>th</sup>, 2025.

Motioned by Mr. Virginia, seconded by Ms. McMahon

Mr. Budosh hearing 1st and 2<sup>nd</sup>. Any comments, Hearing no comments, all those in favor or against. No Comments

Meeting Closed: 7:36 pm

Respectfully submitted,

Kim Vandemark

Town Clerk

Dated : 4/24/2025