

Planning/Zoning Board meeting of the Town of Van Buren held on July 8, 2025, held at the Town of Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York, and was called to order at 6:00 pm.

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

Co- Mr. Budosh Mark Budos Present

Co-Mr. Budosh James Schanzenbach Absent

Also Present:

Nadine Bell, Town Attorney

Mrs. Wendy Van Der Water, Town Supervisor

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 June 10, 2025, as published.

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

PUBLIC HEARING - SITE PLAN REVIEW/CHANGE OF USE/AREA VARIANCE-SIGNAGE – JESSICAKES, 7246 STATE FAIR BOULEVARD, SYRACUSE, TAX MAP ID# 063.-04-26.0

Motion by Mr. Virginia, seconded by Ms. McMahon to recess the regular meeting, open the public hearing.

Doug Reith was present to address the board. Mr. Reith referred to the site map to show the updates of the parking, signage on the building and the pylon sign by State Fair Blvd.

Mr. Budosh stated that they are asking for a change of use, area variance (for signage) and a site plan approval.

Mr. Budosh asked if there was anyone who would like to speak for or against this application. No comments

Motion by Mr. Sykes, seconded by Mr. Virginia, 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 –Absent, Mr. Bowes –Yes, Mr. Budosh-Yes

Mr. Budosh asked applicants if they are still looking for an area variance for signage since the new site plan only shows two signs. Applicants said no. Board had several comments based on the previous plans at the last meeting, specifically the handicapped parking spots. Question was about having enough space and there is plenty of space for that spot. Parking options were previously discussed. One option was to combine the two lots which is the option the applicant is wishing to pursue.

Mr. Budosh asked for any board comments. No comments.

Board received comments back from County Planning for the site plan and area variance. We will disregard the area variance comments. Comments from County Planning regarding the site plan indicate the following

RESOLUTION OF THE
ONONDAGA COUNTY PLANNING BOARD

Meeting Date: July 02, 2025

OCPB Case # Z-25-193

WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Van Buren Planning Board at the request of JessiCakes for the property located at 7246 State Fair Boulevard; and

WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of State Fair Boulevard (Route 48), a state highway, and Jones Road (Route 28), a county highway; and

WHEREAS, the applicant is proposing to establish a food service business in a vacant commercial office space, requiring an occupancy change from Class B to Class A- 2, and increase the parking area to include an adjacent parcel in a Local Business (LB) zoning district; and Business (LB) zoning district; and

WHEREAS, the Board is concurrently reviewing an area variance referral (Z-25-194) to allow

an increase in signage size for the bakery business; and

WHEREAS, the site is a small commercial property located along State Fair Boulevard, south of Seneca Knolls Plaza in an area characterized by a mix of commercial and residential uses; the site abuts a residential neighborhood to the rear; and

WHEREAS, the site contains an approximately 2,400 sf, one-story building located along the northern parcel boundary, surrounded by an asphalt parking lot in front and on the side; per aerial imagery from May 2024, the asphalt lot has nearly unrestricted access to State Fair Boulevard, NYS Route 48; per the Site Plan dated 5/28/25, an ADA space is located in front of the building which may require reversing into the NYS right-of-way, per the Site Plan, parking along the side of the building is partially located on the adjacent parcel to the south;

ADVISORY NOTE: Per the NYS Department of Transportation, all existing or proposed driveways on State Fair Boulevard must meet Department requirements; and

WHEREAS, the applicant is proposing to move a bakery (JessiCakes) into the existing building which requires a change of occupancy; per the Environmental Assessment Form (EAF) dated 6/12/25, the Town has requested parking currently located on the site boundary be removed to rear of the subject parcel and an updated Site Plan reflecting that change is anticipated; per the EAF, exterior changes to the site include restriping the parking lot, moving parking to the rear of the site, and adding signage; and

WHEREAS, the applicant is requesting an area variance to allow signage to be 96 sf when 23 sf is the maximum allowed; per the Site Plan, the sign pole will be located along the State Fair Boulevard frontage, in the NYS right-of-way; per the referral materials, the applicant is proposing a 5'x2' pole-mounted sign, two signs for the front of the building (4'x2' and 2'x3'), a 4'x8' sign for the southern side of the building, and a 4'x16' sign on the northern side of the building;

ADVISORY NOTE: Per the NYS Department of Transportation, signage is not permitted in the state right-of-way; and

WHEREAS, per the Environmental Assessment Form (EAF) dated 6/12/25, zero acres of the

site will be disturbed by the proposed project and no additional stormwater will be created by the proposed site changes; and

WHEREAS, per the referral notice, the site is served by public drinking water and no changes to the current infrastructure are proposed; the proposed use may result in an increase in demand; ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, the site is served by public sewers and is located in the Baldwinsville-Seneca Knolls Wastewater Treatment Plant service area; no changes to the current infrastructure are proposed; the proposed bakery may result in an increase in wastewater flow; ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to an anticipated increase in use; Additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1-gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://ongov.net/wep/connections.html>;

ADVISORY NOTE: The applicant is advised to contact the Onondaga County Department of Water Environment Protection (OCDWEP) Plumbing Control Division to discuss any code requirements for restaurant use of the site, including scheduling a re-inspection of the premises and obtaining the appropriate permits for all plumbing installations or modifications, both within the building and for any exterior improvements. Please contact Plumbing Control Supervisor at 315-435-6614; and

WHEREAS, the site is located over, or immediately adjoining, primary and principal aquifers

(per EAF Mapper); and

WHEREAS, the site may contain the Indiana bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper); impacts to bat species are often associated with tree clearing and from aerial imagery it appears that there are no wooded areas on the site; and NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board

recommends the following MODIFICATION(S) to the proposed action prior to local board

approval of the proposed action:

1. The applicant must contact the New York State Department of Transportation to coordinate any right-of-way plans, which may be subject to a work permit. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
2. The applicant must contact the Onondaga County Department of Water Environment Protection (WEP) Plumbing Control Division to discuss any requirements for restaurant use of the site, including scheduling a re-inspection of the premises and obtaining the appropriate permits for all plumbing installations. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The Board offers the following comments:

1. The Board discourages an overabundance of signage. The Board encourages the Town to ensure signage is scaled appropriately for the building, to the desired corridor environment, and will be compatible with neighboring uses.
2. Every municipal review provides the opportunity to improve community appearance and the applicant and the municipality are encouraged to improve site design by incorporating elements such as shared parking with neighboring businesses, landscaping along the road frontage and around the parking lots, and

more vegetative buffering for adjacent residential properties.

Martin E. Voss, Chairman

Onondaga County Planning Board

Mr. Budosh asked if there were any further board comments.

Mr. Virginia asked if the applicant was going to leave the chain link fence in place behind the building.

Applicant responded yes.

Mr. Virginia asked if the applicant was going to have any storage in the rear of the property.

Applicant responded no, only the dumpsters will be in place; specifically trash and recyclables.

Mr. Virginia encouraged the applicant to remove the chain link fence if it is not benefitting the applicant for security purposes. He believes it will make the property look better. He believes the fence looks out of place, especially if the two lots are being combined into one.

Mr. Budosh asked the applicant if there were any plans to add any landscaping to the property.

Applicant responded No.

Mr. Budosh asked how many dumpsters were anticipated.

Applicant responded trash and recyclables.

Mr. Budosh asked if those would be in the rear of the property and be accessible.

Applicant responded Yes.

Mr. Budosh asked if the dumpsters were onsite now.

Applicant responded no, they are at the other business locations.

Mr. Virginia advised that dumpsters are normally screened in. But he does not see them on the plans. Chain link fence is not screening the dumpsters.

Applicant responded she will just use regular trash cans.

Mr. Budosh asked if there were any more board comments.

Mr. Jamie Bowes asked if there would be any buffering along Northrup Boulevard.

Applicant responded No. Mr. Reith indicated there are trees and some buffering in the rear of the property between Gerald Drive, but not along Northrup Boulevard.

Motion by Mr. Virginia, seconded by Mr. Roman, to declare this board lead agency in an uncoordinated review of this unlisted action under SEQR and based upon the short EAF submitted declare a negative declaration with no adverse environmental impacts.

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

Motion by Mr. Sykes, seconded by Ms. McMahon motioned to approve the site plan change of use as shown on a site plan dated 6/26/25 by CNY Land Surveying signed and stamped conditioned once the subdivision application process is complete that the combined deed be filed with the County and copy is sent to the codes department.

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

SUBDIVISION–JESSICAKES, 7244 & 7246 STATE FAIR BOULEVARD, SYRACUSE, TAX MAP ID# 063.-04-26.0 & 063.-04-25.0

Doug Reith was present to address the board. He explained he is looking to combine the two lots together for a total square footage of 25,038 sf.

Mr. Budosh indicated that since this was a simple subdivision it did not need to go to County for review, but a public hearing would need to be scheduled. Budosh asked if the Board had any comments. No comments.

Motion by Mr. Sykes, seconded by Ms. McMahon, to schedule a public hearing for August 12, 2025.

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

SITE PLAN REVIEW– THE TREE GUY - 7356 VANBUREN ROAD, BALDWINVILLE, TAX MAP ID# 051.-03-19.0

David Roche was present to address the board. Mr. Roche is an arborist that owns a residential tree service and landscaping business, and firewood processor, who rents this property from Mr. Jim Nobles.

Applicant indicated he has an electric processor on site, and he retains the logs from his job and palletizes them and sells them.

Mr. Budosh asked Mr. Fuzia if this property is zoned D4 and if this was allowable use.

Mr. Fuzia said Yes.

Applicant referenced the map and stated that he wants to reduce the blueprint to the lower corner of the property. On the property now identified as follows, #1 is a pile of chips that go to OCCRA for recycling; #3 is a small structure for tools; #4, 5 and 6 are buildings for dry storage and fire wood; #10 is a parking area that also holds 3 trailers which are used daily for business; #12, 13 and 14 are piles of rubble - #14 is a pile of concrete which belongs to Mr. Noble, #15 is a pile of recyclable wood chips, which we sell and #13 is a pile of stump grindings we use as fill.

Mr. Budosh asked about the blacktop material.

Applicant responded that was there before his time.

Mr. Sykes asked the applicant if Mr. Noble approved this plan.

Applicant advised yes, Mr. Noble approved this plan, and he is making plans to remove the concrete.

Mrs. Bell mentioned that a letter from Mr. Nobles to Mr. Roche stating that he authorizes the use of his property for our Codes Department record is necessary.

Mr. Budosh stated what is required for an official site plan should include the locations of any permanent structures on the site, parking and the location of the outdoor sales stand. Mr. Budosh asked if the sales were conducted at the site.

Applicant said that all sales are by appointment only and then delivered to the customer. He added the only sales done on the site are at the small wood stand that sells pallets.

Mr. Budosh asked if there are restrooms on the property.

Applicant responded no but could bring in a porta-potty if necessary, but they have permission from Pasta's on the Green restaurant to use their facilities if needed.

Mr. Budosh stated he is not sure the Board could allow this work to be done without restrooms, and the Board would require a port-a-potty on site.

Mr. Budosh stated that speaking with the Town Engineer earlier today, that since the parcel is over an acre that the original permit pulled with the NYS DEC for the stormwater and has not been amended since. Being that this whole site could infiltrate the ground, probably needs a full SWIP but needs some sort of erosion sediment plan, along with the site plan. The Town Engineer could assist applicant with this process.

Mr. Bowes asked about the large drop off from the asphalt along the road and asked if that was stated the right way.

Applicant said that it is the DOT's easement and their responsibility to fix it.

Mr. Sykes stated that the applicant's application indicated there were easements of recorded with the adjacent neighbor in place, along with agreements. What are those easements?

Applicant said it's not an easement. We just recognize this area along the property line is all thick brush, and the neighbor wishes it not be disturbed and we are in agreement to not disturb any of this brush. This area was there before me and it's a natural brush line that runs along the property and the neighbor wants them to keep that there as a buffer.

Mr. Budosh asked if National Grid has use of this property to access their easement running along the north part of the property.

Applicant said yes that there is a big ravine, and National Grid accesses the power lines using the easement that goes through the property to Route 690. National Grid does not have access to use the existing driveway. Mr. Roche indicated National Grid calls Mr. Nobles for access.

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

Mr. Virginia asked if there was lighting on the property.

Applicant mentioned that are two poles with solar powered lights and security cameras. One the map, #9 is a light, 35' pole with solar powered lights and #4 is a 35' pole with solar powered lights and security cameras.

Mr. Virginia said that it will need to be added to the site plan.

Mr. Budosh stated that he will need a surveyed site plan showing the lighting, all the structures on the property, parking, the outdoor sales area adjacent to VanBuren Rd. and how the applicant is going to consolidate the use of the property should be shown too as ultimately the Board will approve the reconfiguration of the site.

Mr. Sykes asked if there is water access on the property.

Applicant said that there is water to the property, but they do not use it.

Mr. Budosh stated that this will need to go to the County, but he doesn't need a public hearing.

Mrs. Bell said that he will need a GML 239 approved by the county and we can't move forward until we receive the County's comments back. In the meantime, you can submit the new site plan to the board for review at the next pre-agenda meeting on August 5, 2025, but you don't need to come back before the board until the September Planning Board meeting.

Mr. Budosh indicated Mr. Roche could submit the new site plan and the Board would provide him with comments, but he would not need to attend the August meeting.

Mr. Virginia asked if there was a stop work order on this.

Mr. Fuzia said that there isn't because the business has been open at this location for 6 years.

Mr. Budosh told Mr. Roche to meet with the Codes Department if he has any further questions.

AREA VARIANCE - ZIEN ZANETA OSIECKI, 7732 SENECA BEACH DRIVE, BALDWINVILLE, TAX MAP ID# 030.-03-26.0

Zien and Luka Osiecki were present to address the board. Mrs. Osiecki reviewed the process that she has gone through with the Town of Van Buren Codes Department, the DEC and the Army Corp of Engineers dating back to 2021. She presented letters from several previous Code Enforcement officers that stated she was allowed to build on the same footprint of the house on this property. In 2025 when she submitted the plans and permit application, she was told that she would need to get an area variance approved by the Town of Van Buren.

Applicant presented pictures of many other houses on Seneca Beach Drive that have acquired area variances and are very close to neighboring houses, similar to the area variance she is requesting. He also presented the plans of his proposed house. He stated that the house will have no windows on the side closest to the neighbor so to allow privacy. He stated that he is looking to build a nice house that will benefit the neighborhood and the Town of VanBuren.

Mrs. Bell mentioned that this situation was brought to her attention when Mr. Fuzia came to her. Mrs. Bell stated that when the original house was totally demolished, it then loses the ability to become non-conforming.

Applicant said that when she first came to the town she was given a letter with the footage of the house that was demolished.

Mrs. Bell stated that an area variance requires a public hearing.

Mr. Budosh asked what area variance is needed.

Mr. Fuzia said that it is a 10ft setback, side yard variance request is 9'6" which includes the 2 ft overhang which adds 2 more ft and front yard variance is 9'4". Mr. Budosh asked if the variance goes from the structure or deck. Mr. Fuzia indicated the deck is an overhang.

Mr. Budosh stated that the DEC and The Army Corp of Engineers said yes to building in the same footprint but, since there is no structure, we need to have an area variance and a public hearing. The front yard variance is not his issue. The issue is the 9½ ft variance needed on the side yard. You basically need the whole setback to be approved. Another option is to get a no-rise analysis.

Mr. Budosh explained to applicant to submit the no-rise analysis to the DEC, it's a very quick turnaround and if approved, then the house can be moved over by the 9½ ft.

Mr. Sykes said that he would have a problem with the 6 in. setback.

Mr. Budosh asked if there were any comments.

Mr. Virginia asked where the 9½ setback came from.

Mr. Fuzia said that it's from the 2 ft overhang.

Mr. Virginia stated that the 6-inch relief is difficult and it's right on the building line.

Mr. Budosh stated that the letter from the DEC on July 15, 2019, says that the entire lot is in a floodway and applicant would still need to comply with the floodplain development permit.

Mr. Fuzia stated the applicant will go through the floodplain development permit, as it is necessary.

Mr. Sykes asked if there is a basement.

Mr. Fuzia said there is no basement but there will be a crawl space. He also mentioned that the house will be built 5ft above the floodplain which is 2ft more than the required 3ft.

Mr. Budosh said that we need to schedule a public hearing for August and the Osiecki's should investigate a no-rise analysis.

Mr. Sykes asked about the letter that was addressed to Shelly Smith from the Army Corp of Engineers – is she a previous owner?

Applicant stated that Mrs. Smith is the previous owner of the property.

Mr. Budosh asked the applicant to amend the area variance application to include the 2 ft overhang.

Motion by Mr. Virginia, seconded by Ms. McMahon, to schedule a public hearing for an Area Variance on August 12, 2025.

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

FINAL SITE PLAN/SUBDIVISION APPROVAL – TREYBROOK PHASE 2B, 7360 STATE FAIR BOULEVARD, SYRACUSE, TAX MAP ID# 064.-03-01.1

Brandon Jacobson from Brolex Properties was present to address the board. Mr. Jacobson stated that he has sold all of the single-family lots on Dewport Road And the continuation of Lexi Lane. Almost done with the sewers continuing down Lexi Lane. The sewers on Dewport Road have been in for a couple of months, OCWA will be at the site next week to finish the water service, and then binder coat will be put down. This includes the first 8 townhouses. Brolex will retain ownership and plans on building them. He is looking to start building on these 15 lots.

Mr. Budosh asked if anything has changed from the preliminary map.

Applicant stated that nothing has changed.

Mr. Budosh asked Mr. Fuzia if the original preliminary plat plan that was approved was found. Mr. Fuzia indicated no.

Mrs. Bell said that the public hearing can be waived only if there are no changes to the preliminary plat.

Mr. Budosh asked if there were any comments. No comments.

Mr. Budosh stated that Mr. Jacobson needs to bring in a copy of the preliminary plat.

Applicant said that he will get a copy of the map from the county.

Applicant asked if he needs to come back before the Board and Mr. Budosh said yes. Mr. Budosh stated he cannot logistically approve the request without knowing if there were any changes made.

Motion by Mr. Roman, seconded by Mr. Sykes, to adjourn to the next regular meeting on Aug. 12, 2025, at 6:00 pm.

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

Meeting Closed at 7:20 pm

Respectfully submitted,

Kim Vandemark, Codes Clerk