

Planning/Zoning Board Meeting of the Town of Van Buren held on August 12, 2025, at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York was called to order at 6:00 pm.

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:

| | |
|------------------------|---------------------------------|
| Ms. Nadine Bell | Town Attorney |
| Mr. Jason Hoy | Town Engineer |
| Mr. Thomas Fuzia | Deputy Code Enforcement Officer |
| Mrs. Jennifer Sullivan | Town Councilor |
| Mrs. Charity Gustke | Town Councilor |
| Mr. Lynn Precourt | Town Clerk |

MINUTES:

Mr. Bowes had one correction, page 8, paragraph 12, ...asked if that was “a New York State right of way”.

Motion by Mr. Virginia, seconded by Mr. Sykes, to approve the minutes of the July 8, 2025 Planning/Zoning Meeting as amended.

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

PUBLIC HEARING – SUBDIVISION APPLICATION – JESSICAKES, 7244 & 7246 STATE FAIR BLVD., TAX MAP ID# 063.-04-26.0 & 063.-04-25.0:

Mr. Doug Reith, 7695 Canton Street, was present to address the Board. He said the applicant would like to combine the two lots, one on State Fair Blvd. and the other on Northrup Blvd.

Motion by Mr. Sykes, seconded by Ms. McMahon, to recess the regular meeting, open the public hearing and waive reading the legal notice that was published in the *Post Standard* on August 5, 2025.

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

Mr. Budosh asked if there was anyone to speak in favor or against this proposed subdivision. No one spoke.

Motion by Mr. Sykes, seconded by Ms. McMahon, to close the public hearing and resume the regular meeting at 6:04 pm.

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

SUBDIVISION APPLICATION – JESSICAKES, 7244 AND 7246 STATE FAIR BLVD., TAX MAP ID# 063.-04-26.0 & 063.-04-25.0:

Mr. Doug Reith, 7695 Canton Street, was present to show the Board the map of the two lots they would like to be combined.

Mr. Budosh asked if any Board members had questions or comments. There were none.

Motion by Mr. Sykes, seconded by Mr. Roman, to declare this Board lead Agency in an uncoordinated review of an unlisted action with a negative declaration based on short EAF and declare there will be no significant adverse environmental impact from this action.

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

Motion by Mr. Sykes, seconded by Mr. Roman, to approve the subdivision request for 7244 & 7246 State Fair Blvd., Tax Map ID 063.-04-26.0 & 063.-04-25.0, as identified on signed and sealed map one of one dated 6/26/2025 and titled ‘Jessicakes Subdivision’.

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 – 7732 SENECA BEACH DR. – TAX MAP ID#030.-030.-03-26.0:

Motion by Mr. Virginia, 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 August 5, 2025.

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

Ms. Zien Zaneta Osiecki, 5397 Amalfi Dr. Clay, New York, was present to address the Board. Ms. Osiecki said she is asking for front and rear yard setback variance to build a house. She is asking for 5.7 feet for the rear yard and 12 feet for the front or river side of the house.

Mr. Budosh asked if there was anyone to speak in favor or against this proposed area variance.

Ms. Terry Arnold, 7736 Seneca Beach Drive, asked if there is any variance for the side yard. Mr. Budosh said no. Ms. Arnold said the property line is in question and they currently have a fence that is 18 inches onto her property. She said survey pins have been removed and she wants them put back and the property line verified.

Mr. Budosh received the following communication from a resident who could not attend the hearing:

Jere Arnold jr

7736 Seneca beach dr Baldwinsville, NY 13027

July 8, 2025

Town of Van Buren Zoning Board

7575 Van Buren Road Baldwinsville, NY 13027

Subject: Objection to Variance Request for 7732 Seneca Beach Dr, Baldwinsville, NY

Dear Members of the Zoning Board

I am writing to formally object to the variance request for the property located at 7732 Seneca Beach Dr, Baldwinsville, NY, regarding the proposed reconstruction of a house that was previously demolished. My concerns are based on the property's non-compliance with local zoning regulations, specifically its proximity to the property line, and the significant challenges posed by its location within a designated floodway.

According to the Town of Van Buren's zoning regulations, structures must adhere to specific setback requirements to ensure safety, compliance with land use plans, and to protect neighboring properties. The proposed reconstruction at 7732 Seneca Beach Dr violates these setback requirements, as the structure would be positioned too close to the property line. This encroachment could negatively impact adjacent properties, including mine, by limiting access, reducing privacy, and potentially affecting property values.

Furthermore, I am also restricted from making changes to my property due to the floodway regulations. Allowing the reconstruction of a house in this location, particularly without adhering to setback requirements, raises significant concern.

I understand that the property owner may wish to rebuild, and I have no objection to reconstruction provided the structure is relocated to comply with the required property line setbacks. This adjustment would ensure adherence to the Town's zoning regulations while addressing the safety concerns associated with the floodway designation.

I respectfully request that the Zoning Board of Appeals disapprove the variance request for 7732 Seneca Beach Dr unless the proposed structure is repositioned to meet all applicable setback requirements .

Thank you for considering my concerns. I am available to discuss this matter further or provide additional information if needed.

Sincerely, Jere Arnold jr

Mr. Budosh said both property owners should have surveys done to verify the property line and Mr. Fuzia, Deputy Code Enforcement Officer, can work this out as they move forward.

Motion by Mr. Sykes, seconded by Mr. Virginia, to close the public hearing and resume the regular meeting at 6:25 pm.

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

AREA VARIANCE – 7732 SENECA BEACH DR. – TAX MAP ID# 030.-030.-03-26.0:

**RESOLUTION NO. 25-04
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Zaneta Zien Osiecki (Applicant), as owner, seeks variance relief from Section 200-45 of the Town of Van Buren Zoning Code to reduce the front yard and rear yard setbacks on waterfront property situated on the Seneca River, located at 7732 Seneca Beach Drive, Tax Map No. 030.-03-26.0, in the Town of Van Buren (Property). The Property is located in the R10 Zoning District.

Pursuant to Section 200-45 of the Zoning Code, within the R10 Zoning District, the required front yard setback for a residential structure is 30 feet, and the required rear yard setback is 35 feet. Applicant is requesting area variance relief to allow the placement of a new single-family dwelling 12 feet with the front yard setback area (for a total front yard setback of 18 feet) and 5.7 feet within the rear yard setback area (for a total rear yard setback of 29.3 feet). The Property is located within the limits of the Seneca River Zone AE Special Flood Hazard Area. As a result, Applicant is required to conduct an encroachment analysis known as “no rise” to demonstrate that floodway development will not increase water surface elevations during the 1% annual change flood by more than 0.00 feet. Accordingly, a no-rise analysis was submitted by

Applicant to the New York State Department of Environmental Conservation (NYSDEC) and to determine whether the project meets the no-rise requirement. To this end, Applicant received a correspondence from Shaimus Ryan, of the NYSDEC, dated August 11, 2025, summarizing the revised Hydraulic report and HEC-RAS model, and determining that the “NYSDEC concurs with the analysis, and the project analyzed in the Report meets FEMA’s no-rise requirements. The Town of Van Buren has the authority to issue this project a permit.”

In support of the application, Applicants submitted the following documents: an Application for Variance; Notification to Surrounding Property Owners of Pending Action; Short Environmental Assessment Form; Agricultural Data Statement; correspondence from M. Crawford, Biologist, of the NYSDEC, providing a jurisdictional determination for the Property, dated December 11, 2021; email correspondence from B. Wirley, Environmental Program Specialist, dated July 15, 2019, and D. Prine, Environmental Program Specialist I, dated June 27, 2025, both of the NYSDEC, regarding floodplain development requirements; correspondence from Code Enforcement Officers David Pringle, dated June 1, 2018, and Casey Palmer, dated September 28, 2021, impacts the Flood Zone and regulatory Floodway; photographic examples of similar area variances on Seneca Beach Drive; Sheets A1, titled “Exterior Elevations,” A2, titled “Foundation Plan & Wall Section,” and A3, titled “Floor Plans & Stair Section,” prepared by Rod A. Van Der Water, dated May 1, 2025; Memorandum from S. Ryan, of the NYSDEC, dated August 11, 2025, summarizing the revised Hydraulic report and HEC-RAS model; and, a plan, titled “Map of Lots 19 & 20, Block 2 Seneca Beach Tract,” prepared by Jeffrey J. Schultz, Land Surveying & Mapping, PLLC, dated October 3, 2024, last revised August 11, 2025.

Applicant appeared with her husband before the Board to explain the requested variance relief, the history of the Property, their efforts to obtain the no-rise analysis, and address the concerns of the Board. During the public hearing on August 12, 2025, the owner of neighboring property located at 7736 Seneca Beach Drive, appeared in opposition to the application. In addition, written correspondence from G. Arnold, owner of 7736 Seneca Beach Drive, dated July 8, 2025, was received by the Board, opposing Applicant’s request for variance relief.

Based upon the submission of Applicants and the testimony presented at the public hearing, upon motion of Mr. Schanzenbach, seconded by Mr. Virginia, the Board resolves as follows:

1. This matter is a Type II action under the State Environmental Quality Review Act as it involves the granting of area variance relief related to a single-family dwelling.

2. With regard to the requested variance from Section 200-45, it is determined the requested variance relief will not produce any undesirable change in the residential character of the neighborhood and riverfront properties, and will not be a detriment to nearby properties. The alleged hardship has not been self-created due to the Property’s location within the limits of the Seneca River Zone AE Special Flood Hazard Area. It is recognized that the alleged hardship does apply to a substantial portion of the district or neighborhood, due to the proximity of the Seneca River and the prevalence of other non-conforming properties. Accordingly, the benefit sought by Applicant cannot be achieved by any other feasible method. The benefit to Applicant does outweigh any detriment to the neighborhood or community as a result of granting the requested relief and the amendment requested is the minimum relief necessary to allow Applicant relief from the Town’s Zoning Regulations.

3. For the reasons set forth, variance relief from Section 200-45, is hereby granted to allow the proposed single-family dwelling to be situated on property located at 7732 Seneca Beach Drive, Tax Map No. 030.-03-26.0, in the Town of Van 12 feet with the front yard setback area (for a total front yard setback of 18 feet) and 5.7 feet within the rear yard setback area (for a total rear

yard setback of 29.3 feet); such approval is conditioned upon the Applicant submitting a stamped and signed survey that has been revised to depict all of the setback distances for the proposed single-family dwelling.

Dated: August 12, 2025

Roll Call Vote:

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

SUBDIVISION – TREYBROOK – PHASE 2B – 7360 STATE FAIR BLVD. – TAX MAP ID #064.-03-01.1:

Mr. Brandon Jacobson, Brolex Properties, 5912 North Burdick Street was present to address the Board. He said the map of this phase has some minor discrepancies from the original plan.

Mr. Budosh asked about a stormwater violation from May. Mr. Jacobson said as of this afternoon all issues have been addressed and verified by Mr. Hoy. KFA will begin doing weekly inspections.

Mr. Schanzenbach asked if he is still building from the back of the property toward the road.

Mr. Jacobson said yes, it makes more sense for the utility installations. He is hoping to have the entire site ready in 12-18 months. He will be back in October for approval for the remaining single family homes.

Motion by Ms. McMahon, seconded by Mr. Virginia, to ratify and reaffirm the previous SEQR determination for Treybrook Preliminary Plat Plan.

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

Motion by Mr. Sykes, seconded by Mr. Virginia, to approve the subdivision for Treybrook Phase 2B located at 7360 State Fair Blvd., Tax Map ID # 064.-03-01.1 as shown on stamped and signed drawings of Phase 2A, to be changed to Phase 2B, along with the number, day and revision for

the most recent subdivision plan. This approval is conditioned upon the new subdivision showing the updated map revisions and the revised drawing name and park fees listed at \$350.00 per lot due for the whole Phase 2B.

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

SPECIAL USE PERMIT - PV SOLAR GROUND MOUNT – 1431 OLD ST. RT. 31, TAX MAP ID#046.-06-11.3

Mr. Peter Coates, 300 Charles Ave. Syracuse, New York, was present to address the Board. Mr. Coates said they are looking install a ground mount solar array in the Northeast corner of this residential property.

Mr. Budosh asked if these will be fixed arrays. Mr. Coates said yes.

Mr. Budosh asked if this has been sent to the Onondaga County Planning Board for their review.

Mr. Fuzia said yes and comments should be back before our next meeting.

Mr. Sykes told Mr. Coates he will need updated workers' comp and liability certificates because the ones in the application expire next month.

Mr. Sykes asked if you plan to install this Fall. Mr. Coates said yes.

Motion by Mr. Virginia, seconded by Ms. McMahon, to schedule a public hearing for PV Solar Ground Mount, 1431 Old St. Rt. 31, Tax Map ID # 046.-06-11.3 for a special use permit on September 9, 2025 at 6:00 pm.

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

Mr. Budosh asked the Board to confirm the meeting date change for November because of Veterans' Day. He said the meeting will be held on **Wednesday, November 12th** at 6:00 pm.

Motion by Mr. Sykes, seconded by Mr. Virginia, to adjourn to the next Planning/Zoning Board Meeting on September 9, 2025 at 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 7:06 pm

Respectfully submitted,

Lynn Precourt

Town Clerk

