

Planning/Zoning Board Meeting of the Town of Van Buren held on September 9, 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	Absent
Ms. Jesse McMahon	Present
Mr. Roger Roman	Present
Mr. James Bowes	Present
Mr. James Virginia	Present
Mr. Mark Budosh	Present
Mr. James Schanzenbach	Absent

Also Present:

Nadine Bell	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Thomas Fuzia	Code Enforcement Officer
Ms. Kamri Kiteveles	Codes Clerk
Mrs. Wendy Van Der Water	Town Supervisor

Minutes:

Motioned by Ms. McMahon, seconded by Mr. Virigina, to approve the minutes of August 12, 2025, as published.

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

PUBLIC HEARING – SPECIAL USE PERMIT – PV SOLAR GROUND MOUNT, 1431 OLD STATE ROUTE 31., TAX MAP ID# 046.-06-11.3:

Motion made by Mr. Virginia, seconded by Ms. McMahon to recess regular meeting and go into Public Hearing.

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

Peter Coates, 300 Charles Ave, Syracuse NY, was present to address the board. Mr. Coates would like to install a 44-module solar ground mounted array. Standard ground mount solar – residential. Location would be the northeast corner of the property, approximately 189 ft. off the rear of the house.

Chair asked if there were any additional items; applicant responded no.

Chair asked if there was anyone to speak in favor or against this proposed special use permit. No one spoke.

Motion made by Ms. McMahon, seconded by Mr. Virginia to close the Public Hearing and go back into regular session.

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

Chair received two letters back from the Onondaga County Planning Board, one for the special use permit (Case# Z-25-247), and one for the site plan review (Case# Z-25-248); both came back with no position.

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

Motion by Ms. McMahon, seconded by Mr. Virginia, to declare this board lead agency is 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.

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

RESOLUTION NO. 2025-5
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN

Mr. James Virginia made the following motion, seconded by Mr. Roger Roman:

Jeffrey Hagar, as owner, and Alternative Power Solutions of NY, a representative

(collectively, “Applicants”) seek a special use permit to operate a 23.32-kilowatt-DC/ 22.80-kilowatt-AC ground-mounted photovoltaic solar energy array on property located at 1431 Old State Route 31, Tax Map No. 046.-06-11.3 (the “Property”), pursuant to Section 200-90 of the Town of Van Buren Zoning Code. The Property is located in the R-40 Zoning District.

In support of the request, Applicants submitted a Special Use Permit application, a Short Environmental Assessment Form (“EAF”), correspondence from Wyssling Consulting, PLLC, proof of insurance, and site plan documents prepared by Wyssling Consulting, PLLC, consisting of Sheet PV-1 titled “Cover Page,” Sheet PV-2 titled “Site Plan with Modules,” Sheet PV-3 titled “Racking Detail,” Sheet PV-4 titled “Single Line Diagram,” Sheet PV-5 titled “Wiring Calculations,” Sheet PV-6 titled “Placards,” and Sheets PV-7 through PV-15 titled “Equipment Specification.” A representative from Alternative Power Solutions appeared to explain the proposal and address the concerns of the Board, explaining that 44 panels are projected to generate 23.32-kilowatt-DC/ 22.80-kilowatt-AC.

There was no objection to the proposal at the Zoning Board of Appeal’s public hearing, which was held on September 9, 2025, pursuant to public notice.

Based upon the submissions of Applicants and proof taken at the public hearing, the Board resolves as follows:

1. This matter is subject to the State Environmental Quality Review Act (“SEQR”) and is classified as an unlisted action. During September 9, 2024, meeting the Board appointed itself lead agency for the uncoordinated review of this matter. The Board found that granting the requested relief will not result in any significant adverse impact upon the

environment and therefore, renders a negative declaration for purposes of SEQR. The Property is not located in a critical environmental area and as proposed, the use will not pose any significant impact upon the water, air, agricultural resources, or community character and growth.

2. Relative to Section 200-80(C)5 of the Zoning Code, the Board issues the following findings and determinations:
 - a. Because the proposed use is allowed by Special Use Permit, the use complies with the applicable intent and regulations of the Code;
 - b. The proposed use is located on a parcel zoned R-40 and is consistent with the long-term development objectives of such area. The proposed use is appropriate for the amenities available to the Property and will not impede development of the area as intended by the Town's Comprehensive Plan;
 - c. The scale and design of the use is in compliance with Town requirements and, as a result of the placement of the array on the Property, shall be visually compatible with conditions of the site and surrounding properties;
 - d. The design of the site does not create any significant traffic issues;
 - e. The use is designed and shall be operated in a manner that minimizes off-site disturbance of natural and cultural resources. Because the proposed solar arrays are ground-mounted, the use minimally disturbs agricultural soils and is consistent with the soil capabilities of the site to accommodate the use and water runoff has been properly controlled;
 - f. The use fits within the New York State Energy Plan and encourages and creates new opportunities for alternative fuels, which has been declared a priority for the State. The goals of the State are: (i) 40% reduction in greenhouse gas emissions from 1990 levels; (ii) 50% electricity will come from renewable energy resources; (iii) 600 trillion Btu increase in statewide energy efficiency;
 - g. Emissions from the site are minimal and shall not impact surrounding properties;
 - h. The physical characteristics of the Property are suitable for and conducive to the proposed solar array, without modification to the

established character of the surrounding area; and

- i. The cumulative impacts of the single solar array use will not unreasonably interfere with or diminish the continued use, enjoyment or growth of the surrounding area or community.

- 3. A Special Use Permit is hereby granted, in accordance with Section 200-90 of the Zoning Code, for property located at 1431 Old State Route 31, Tax Map No. 046.-06-11.3,

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

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

SITE PLAN/CHANGE OF USE/OCCUPANCY - LITTLE CAESARS, 2265 DOWNER ST., TAX MAP ID# 034.-04-06.1

Minesh Patel was present to address the board. Mr. Patel is looking to open Little Caesar's Pizza, occupying 1700 sq ft of a 3500 sq ft building, not disturbing anything on the exterior.

Chair asked if the property is part of the bigger parcel that includes Tops Plaza.

Applicant responded yes.

Chair asked if applicant has plans for a drive-thru?

Applicant responded no; this location will be take-out only. For pick-up orders, or third-party deliveries.

Chair asked if there is a grease trap at the location.

Applicant responded yes.

Chair asked Code Enforcement Officer if he had copies of the grease trap, details, and plan.

Code Enforcement Officer responded no.

Applicant had the plans showing the grease trap and shared them with the Board.

Chair asked how the grease trap will be cleaned.

Applicant responded from outside. A septic company will come to the site 3-4 times a year, access the grease trap from the outside rear of the building.

Chair asked if there would be any additional signage, or if it would stay within code.

Applicant responded that it will meet the code.

Chair advised the Board will require a site plan approval installation of a sidewalk coming off the sidewalk on Downer Street and connecting to the property.

Mr. Virginia advised the dumpster location and vinyl fence must be reflected in the plans.

Applicant acknowledged.

Applicant addressed the Board as to why the neighboring barbershop does not have a sidewalk from the Downer Street sidewalk to their location.

Chair responded that he cannot speak to prior approvals prior to him becoming Chair. Chair advised the applicant that he should address the issue with the property owner.

Chair stated that comments were received from the Onondaga County Planning Board;

Case # Z-25-260 regarding Site Plan, and Case #Z-25-261 regarding Other Authorization. Both comments state: The OCDWEP requires the applicant to contact the Plumbing Control Division to discuss any code requirements for restaurant use of the site, including scheduling a reinspection of the premises and obtaining the appropriate permits for all plumbing installations or modifications, both within the building and for any exterior improvements.

Chair asked for further comments from the Board. No comments were made.

Chair advised Applicant the Board will need a stamped/signed site plan showing the following:

1. Sidewalk from Downer Street to Property

2. Show detail for dumpster location with vinyl fence
3. Show details for grease trap location in rear of property

Chair advised a public hearing was not necessary.

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

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

Motion by Ms. McMahon, seconded by Mr. Roman, to approve site plan, which must be dated, stamped and signed with the conditions listed above.

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

SITE PLAN REVIEW/AREA VARIANCE – JAMMERS BOAT STORAGE, 6952 WINCHELL RD., TAX MAP ID# 055.-04-02.1

Ben Harrell from CHA was present to address the board on behalf of the owners of Jammer's. The owners are looking to build a boat storage building behind the existing Jammer's stage. They are requesting a side yard setback variance from 25' to 10', in effort to preserve future development in the back area of the parcel. Applicant stated that if they were to move the side yard setback to 25', due to existing grading, it would encumber the ability for future development.

Chair asked if the building is for public or private use.

Applicant responded private. Applicant explained that the existing driveway allows for proper, efficient drive up and unloading to the back of the stage.

Chair asked if there were any current plans for the back of the parcel.

Applicant responded no.

Chair asked for any Board comments, and that a public hearing must be scheduled.

Mr. Virginia stated that the building is 80' so a boat would be at least 60'; he does not believe a 60' boat would be trailered.

Mr. Virginia asked what the dimensions of the asphalt are, and whether it is necessary for the structure to be that size.

The Applicant could not state the exact dimensions.

Chair advised Applicant dimensions must be shown on the site plan. Chair asked what the line through the two parcels represents.

Applicant advised it is a property line.

Chair responded that it needs to be cleared up; there should not be a property line shown as there were previous matters before the Board combining the two lots.

Chair advised the Applicant that a public hearing will be scheduled, and updates to the site plan are necessary prior to that.

Motion by Ms. McMahon, seconded by Mr. Virginia, to schedule a public hearing for an Area Variance on October 14, 2025.

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

REFERRAL- TOWN OF GEDDES ZONING, 114 STATE FAIR BLVD., TAX MAP ID# 059.-04-01.0

Chair advised that the Board received a referral from the Town of Geddes. The Parcel in question lies within both Town of Van Buren and Town of Geddes; majority being in the Town of Geddes. The owner of the parcel is looking to install a fence with a gravel lot.

Chair indicated that the matter was reviewed during pre-agenda meeting, with no issues.

Chair asked if there were any Board comments.

No one responded.

Code Clerk will send a copy of the Minutes to the Town of Geddes advising that there are no objections from the board.

Motion by Mr. Virginia, seconded by Mr. Roman, to send a positive referral to the Town of Geddes regarding the property located at 114 State Fair Blvd.

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

AREA VARIANCE – DR. KADURA & MS. HART, 422 DEWPORT RD., TAX MAP ID# 064.-03-46.1

Alex Samoray from Keplinger Freeman Associates was present to address the Board. In 2023, Keplinger came before the Board requesting a variance and site plan review. All aspects of the site plan have been installed with exception of the recreational building. The recreational building has increased in size and is no longer in compliance. Ms. Samoray acknowledges

that a variance is needed for the building's height and lot coverage the application was updated accordingly. The area increased in size due to adding a mechanical room.

Chair states that the site plan states lot coverage of 45%.

Mr. Virginia asked if the plans could show contours.

Applicant responded yes, and she would add contours.

Mr. Virginia asked if the building can be seen from State Fair Boulevard.

The applicant responded that she is not certain but believes it cannot be seen from the road.

Mr. Virginia stated he would like that information. In 2023, the Board received several letters from neighbors with positive feedback. He would like to see letters from neighbors with positive feedback again now that the building is larger.

Applicant acknowledged, no problem.

Code Enforcement Officer stated the peak of the building is 32', and the median height is 29'. The request for height variance would be for 29'.

Mr. Virginia acknowledged the side yard setbacks were set already in the PUD.

Chair stated the code requirement for lot coverage is 20%, and the Applicant is asking for 45%.

Motion by Ms. McMahon, seconded by Mr. Virginia, to schedule a public hearing for an Area Variance on October 14, 2025.

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

ZONE CHANGE - HARBOR HEIGHTS, DOWNER STREET, TAX MAP ID# 036.-03-21.0

Dan Barnaba, Eldan Homes, was present to address the Board. Mr. Barnaba indicated he is requesting a zone change from R40 to a PUD. The property is an extension of the existing Harbor Heights community on 11.9 acres. He acknowledged the larger parcel west of Commune Road, 30 acres, is on hold for now. Mr. Barnaba introduced Al Yager, CHA, to address the Board.

Mr. Yager reviewed the preliminary site plan with measurements of a minimum lot width of 75ft., minimum lot depth of 150ft., minimum front yard setback of 25ft., minimum rear yard setback of 25ft for principal structure, 5ft., for the accessory structure, minimum side yard

setback of 5ft. 15 feet total, minimum lot building area is 6,000 square foot., a maximum height of 30ft., and a maximum lot coverage of 50%.

Mr. Virginia advised that the site plan states 70% but your letter says 50%.

Mr. Yager acknowledged that it should read 50%. The site plan does not account for stormwater; there are no existing easements on records. Discharge would be through a level spreader to discharge as it does after redevelopment.

Requests for side yard setbacks allow for a side garage. Mr. Yager states the need for narrower lots are due to the expense of building. However, narrower lots are the trend.

Chair stated, "you are trying to jam 29 houses on the parcel".

Mr. Yager stated they are not sure they can get 29 lots due to the power lines.

Chair asked about wetlands on the parcel.

Mr. Yager stated the assessment has not been completed; there are no mapped wetlands.

Chair stated that he would like to see lots moved to 90ft lots, similar to other homes in the area.

Mr. Yager responded that the Board asked for a PUD and would allow for an increase in density.

Chair stated the stormwater needed to be sized as well; to refer to Section 221-33 of the Code as those items need to be addressed before the Board can make a referral back to the Town Board on the site plan. Traffic needs to be studied, and Applicant needs to speak to NYSDOT to confirm location of where preliminary road placement off Commune Road is acceptable as well as the road cut along Route 31.

Chair confirmed the new road will be public.

Chair asked if Board had any comments.

Mr. Yager advised Applicant could run power lines underground.

Applicant stated it sounds like you are asking for us to vet out more subdivisions.

Chair responded yes, it must be more detailed to be able to be addressed as part of the review process.

Applicant asked what an acceptable lot width would be.

Chair responded with 90 feet.

Applicant stated he could more realistically see 24-27 houses going in.

Chair indicated Applicant will have some flexibility on some items with the PUD process and he is referencing only one item,

Ms. McMahon stated she agrees with Chair, she would like to see something more realistic. Currently, the site plan shows a power line going through a house.

Mr. Virginia stated he could see maybe 26 lots on the parcel.

Chair indicated there are a lot more moving parts here that need to be worked through.

Mr. Yager asked about creating a PUD committee to work through the process.

Chair responded in agreement; the Board will put together a committee.

Motioned by Ms. McMahon, seconded by Mr. Virginia to adjourn to the next regular meeting on October 14, 2025, at 6:00 PM.

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

Meeting Closed at 7:31pm

Respectfully Submitted,

Kamri Kiteveles, Codes Clerk