

Regular Meeting of the Town Board of the Town of Van Buren, held on December 3, 2025 at 7:00 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Mrs. Charity Gustke	Councilor
Mr. Michael Burke	Councilor
Mr. Roger Hand	Councilor
Mr. Robert Grover	Councilor
Mrs. Jennifer Sullivan	Councilor
Ms. Darcie Lesniak	Councilor
Mrs. Wendy Van Der Water	Supervisor

Absent:

Also Present:

Mr. Jeffrey Eaton	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. David Blaisdell	Highway Superintendent
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Citizens Comments: None

Approve Meeting Minutes of Regular Meeting on November 19, 2025:

242-25-000 MOTION BY Mr. Grover, seconded by Mr. Burke, to approve the minutes of the Regular Town Board meeting on November 19, 2025 as published.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Citizens Comments: None

Budget transfers and modifications:

243-25-007 MOTION BY Mrs. Gustke, seconded by Mr. Grover, to approve the following budget transfers:

FROM:	SL13.0000.0909	HARBOR HEIGHTS FUND BALANCE STREET LIGHTING	\$ (3,800.00)
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Regular Town Board Meeting December 3, 2025

TO:	SL13.5182.0425	HARBOR HEIGHTS STREET LIGHTING	\$ 3,800.00
FROM:	SL03.0000.0909	VILLAGE GREEN FUND BALANCE	\$ (9,600.00)
TO:	SL03.5182.0425	VILLAGE GREEN STREET LIGHTS	\$ 9,600.00
FROM:	SL12.0000.0909	SUN MEADOWS SL FUND BALANCE	\$ (800.00)
TO:	SL12.5182.0425	SUN MEADOWS STREET LIGHTING	\$ 800.00
FROM:	DB.5110.0400	MATERIALS FOR ROAD REPAIRS	\$ (4,500.00)
	DB.5130.0413	VEHICLE SUPPLIES	\$ (1,150.00)
	DB.5130.0412	VEHICLE REPAIRS	\$ (15,000.00)
	DB.5140.0400	TREES	\$ (7,500.00)
TO:	DB.5142.0403	SNOW SALT	\$ 28,150.00

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Public Hearing on Local Law E-2025, Moratorium on Battery Storage Facilities:

244-25-000 MOTION BY Mrs. Sullivan, seconded by Mr. Burke, to recess the regular meeting, open the public hearing and waive reading the legal notice published in *The Post Standard* on November 27, 2025.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Mrs. Van Der Water asked if there is anyone to speak in favor or against this proposed local law.

Mr. Paul Capucilli, 7240 O'Brien Road, said he has been looking for a way to use his land and is restricted since there is no water or sewer to the property. He was solicited by a battery storage company. He said New York State has promoted these as a form of clean energy since they store excess energy during off peak times for use when needed during peak times. He said he hopes this can be implemented in our Code in a positive manner.

Mr. Andy Bowes, Hunter Drive, said there are some struggles related to fire containment of these facilities and he is glad the Board is taking the time to look into these facilities.

245-25-000 MOTION BY Mr. Grover, seconded by Mr. Burke, to close the public hearing and resume the regular meeting at 7:19pm.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Action on Local Law E-2025:

246-25-030 The following resolution was offered by Councilor Sullivan who moved its adoption, seconded by Councilor Lesniak to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. E-2025, “A Local Law Imposing a Twelve (12) Month Moratorium on Battery Energy Storage Systems Within Town of Van Buren,” was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held on November 19, 2025; and

**WHEREAS**, a public hearing was held on such proposed local law on this 3<sup>rd</sup> day of December, 2025, by the Town Board of the Town of Van Buren and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Van Buren in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, the enactment of Local Law No. E-2025 has previously been determined to be Type II action under SEQR, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to enact said Local Law No. E-2025.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact Local Law No. E-2025 as Local Law No. 5-2025 as follows:

**“TOWN OF VAN BUREN  
LOCAL LAW NO. 5 OF 2025**

**A Local Law Imposing a Twelve (12) Month Moratorium  
on Battery Energy Storage Systems Within the Town of Van Buren**

Be it enacted as follows:

Section 1: Intent

It is the intent of the Town Board of the Town of Van Buren to impose a twelve (12) month moratorium on the siting, establishment, placement, installation, construction, erection, modification and enlargement of battery energy storage systems within the Town of Van Buren. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

Section 2: Legislative Purpose

The purpose of this local law is to temporarily halt development of battery energy storage systems, for a period of up to twelve (12) months, while the Town considers zoning changes and the enactment of zoning measures to specifically address matters of community concern.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate battery energy storage systems. In the coming months, the Town will be diligently working towards the development of regulations that will address, in a careful manner, the establishment, placement, construction, enlargement and erection of battery energy storage systems on a Town-wide basis and to adopt land use regulations for provisions to specifically regulate same.

### Section 3: Definitions

**BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM:** A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to store energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier I or Tier 2 Battery Energy Storage System as follows:

A. Tier I Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**CELL:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

### Section 4: Moratorium

A. The Town Board hereby enacts a moratorium which shall prohibit the siting, establishment, placement, installation, construction, erection, modification, and enlargement of battery energy storage systems anywhere within the Town of Van Buren.

B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this local law and shall expire on the earlier of (i) the date twelve (12) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Battery energy storage systems which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium, and may be sited, placed, installed, constructed, erected and operated in accordance with approved plans. Further modification, alteration or enlargement of previously approved battery energy storage systems is prohibited while the moratorium is in effect.

#### Section 5: Relief from Provisions of this Local Law

A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this local law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Town Code Enforcement Office together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.

C. The Town Board may refer any applications for relief herein to the Town Planning Board/ Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Code Enforcement Office and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

#### Section 6: Penalties

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any battery energy storage systems in violation of the provisions of this local law or shall otherwise violate any of the provisions of this local law shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and

all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 7: Enforcement

This local law shall be enforced by the Code Enforcement Office of the Town of Van Buren or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

Section 8: Validity & Severability

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or affect any other section of this local law.

Section 9: Effective Date

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of passage.

Roll Call Votes: Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Appoint Harvey Sellers as Veterans' Outreach Coordinator, effective 11/17/25 at a rate of \$17.00:  
Mrs. Van Der Water introduced Mr. Sellers, a Navy Veteran.

Mr. Sellers is retired and looking forward to this new role.

Mrs. Van Der Water thanked Jim Reynolds, our previous coordinator and wished him well in his new full time job.

247-25-002 MOTION BY Mrs. Sullivan, seconded by Mr. Burke, to appoint Harvey Sellers as Veterans' Outreach Coordinator, effective 11/17/25 at a rate of \$17.00 an hour.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Introduce Local Law F-2025, zone change from R-40 to PUD for tax map #036.-03-21.0:

Mr. Al Yager was present to address the Board. Mr. Yager showed the Board the proposed layout for the property on the corner of Downer Street and Commene Road. He said they are proposing a cul-de-sac with the entrance on Commene Road, about 200 feet from the Downer Street intersection. The current plan meets NYS DOT standards and complies with Town Code. He said there will be two stormwater management areas to balance any water flow to the current level and

the developer is willing to make some improvements for the properties along Southgate Road that have backyard drainage issues.

Mrs. Van Der Water asked if having a second access off Downer Street can be considered. Mr. Yager said they would lose one lot and the current plan does meet all current requirements.

Mrs. Van Der Water said this will need a referral to the Onondaga County Planning Board before the town can take action.

248-25-039 Councilor Hand introduced proposed Local Law No. F-2025, titled “A Local Law Amending the Zoning Map of the Town of Van Buren to Change the Zoning Designation for Certain Property from Being Zoned Residence District 40 (R-40) to Being Zoned Planned Unit Development (PUD) in the Town of Van Buren,” as such zoning districts are defined and regulated pursuant to the provisions of Chapter 200 of the Code of the Town of Van Buren, which was seconded by Councilor Burke :

**WHEREAS**, proposed Local Law F-2025 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Van Buren.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the enactment of proposed Local Law No. F-2025 is an unlisted action, the Town Planning Board is an involved agency and shall proceed on an uncoordinated basis in this matter for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED**, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. F-2025 at the Van Buren Town Offices located at 7575 Van Buren Road in the Town of Van Buren on December 17, 2025, at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Authorize Buildings and Grounds Supt. to order new mower from All Weather Power in the amount of \$16,497.00 to be paid from Buildings and Grounds Capital Reserve Fund subject to permissive referendum:

249-25-040 MOTION BY Mr. Grover, seconded by Mr. Hand, to authorize Buildings and Grounds Supt. to order new mower from All Weather Power in the amount of \$16,497.00 to be paid from Buildings and Grounds Capital Reserve Fund subject to permissive referendum.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Accept RFP's and award to Grossman St. Amour for Town Hall audit for time period 1/1/24-6/30/25:

250-25-007 MOTION BY Mr. Hand, seconded by Mr. Burke, to accept the RFP's and award to Grossman St. Amour for Town Hall audit for time period 1/1/24-6/30/25.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Authorize Supervisor to sign the Agreement for auditing services for Grossman St. Amour not to exceed \$18,000:

251-25-007 MOTION BY Mrs. Sullivan, seconded by Mrs. Gustke, to authorize the Supervisor to sign the Agreement for auditing services for Grossman St. Amour not to exceed \$18,000.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Councilor Committee Reports and Comments:

Mrs. Sullivan said she has a Canton Woods Board of Directors meeting tomorrow morning.

Mr. Grover said they will likely have two Comprehensive Land Use Committee meetings in January. He encouraged people to go on the website and use the interactive tool to offer feedback.

Ms. Lesniak said this will likely be her last meeting. She thanked everyone she has served with and the town staff.

Supervisor Comments:

Mrs. Van Der Water thanked the Codes Dept. for their November report. She said they have been busy with fire inspections and building permits.

Mrs. Van Der Water said all staff who drive town vehicles completed defensive driving training and it has been submitted for insurance reduction.

Mrs. Van Der Water said the town received a DASNY grant in the amount of \$60,000 for rewiring of the Town Hall and Van Buren Park.

Highway Superintendent Comments:



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Mr. Blaisdell reminded resident there is no on street parking between 2:00 am and 6:00 am in order to clear the roads. Mr. Blaisdell said the department will pick up Christmas trees starting in January, please place them at the end of your yard for pick up.

Engineer Comments: None

Attorney Comments: None

252-25-014 MOTION BY Mr. Grover, seconded by Mrs. Sullivan, to recess the Regular meeting and go into Executive Session to discuss a Personnel issue at 8:00 pm.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

253-25-014 MOTION BY Mrs. Sullivan, seconded by Ms. Lesniak, to close the Executive Session and resume the regular meeting at 8:30 pm.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

254-25-000 MOTION BY Mrs. Sullivan, seconded by Ms. Lesniak, to adjourn to the next regular Town Board Meeting on December 17, 2025 at 7:00 pm.

Mrs. Gustke – Yes, Mr. Burke – Yes, Mr. Hand – Yes, Mr. Grover – Yes, Mrs. Sullivan – Yes, Ms. Lesniak – Yes, Mrs. Van Der Water – Yes

Motion Carried & Adopted

Meeting closed 8:30 pm

Respectfully submitted,

Lynn Precourt  
Town Clerk

Dated: 12/4/25