

Planning/Zoning Board Meeting of the Town of Van Buren held on April 14, 2026, at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York was called to order at 6:00 PM.

Pledge of Allegiance

Roll Call:

Mr. Claude Sykes	Planning Board Member
Ms. Jesse McMahon	Planning Board Member
Mr. Roger Roman	Planning Board Member
Mr. James Bowes	Planning Board Member
Mr. James Virginia	Planning Board Member
Mr. James Schanzenbach	Vice Chairman
Mr. Mark Budosh	Chairman

Also Present:

Mr. Rich Andino	Town Attorney
Mr. Jason Hoy	Town Engineer
Mr. Chaz Gambino	Director of Codes
Ms. Kamri Kiteveles	Codes Clerk
Mrs. Wendy Van Der Water	Supervisor
Mrs. Jennifer Sullivan	Town Councilor
Mr. Robert Grover	Town Councilor
Mr. Roger Hand	Town Councilor
Mrs. Charity Gustke	Town Councilor

Minutes:

Motioned by Mr. Roman, seconded by Mr. Sykes, to approve the minutes of March 10,2026, as published.

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

Public Hearing – Subdivision & Area Variance(s): John Hourigan, 7470 Perry Road, Tax ID # 043.-02-29.0

Motion made by Mr. Sykes, seconded by Mr. Roman to adjourn general session and enter into a public hearing.

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

Doug Reith was present to address the Board. Applicant is requesting approval to subdivide a 56-acre parcel into three (3) lots. Additionally, as two (2) of the proposed lots do not conform to current zoning requirements, the Applicant is seeking area variances for front yard and side yard setback requirements.

Chair asked if anyone in the audience would like to speak for or against the application. No one spoke.

Motion by Mr. Roman, seconded by Mr. Schanzenbach to close the public hearing and return to general session.

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

Chair asked for any other comments or questions from the Board.

Mr. Virginia questioned the 60-foot front yard setback request for lot three (3).

Mr. Schanzenbach and Ms. McMahon referred to the resolution, which states the accurate setbacks necessary.

Motion by Ms. McMahon, seconded by Mr. Virginia, to declare this board lead agency 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, Mr. Roman- Yes, Mr. Bowes- Yes, Mr. Virginia- Yes, Ms. McMahon- Yes, Mr. Schanzenbach- Yes, Mr. Budosh- Yes

Motion by Mr. Schanzenbach, seconded by Mr. Virginia to approve the area variances and subdivision for John Hourigan located at 7470 Perry Road as shown on the stamped and signed drawing listed 1:1 Hourigan Perry Road Subdivision dated March 16, 2026.

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

Discussion was had by the Board, regarding the reference point for the front yard setback and whether the distance was from the right of way or centerline, and if the relief being requested was accurate.

**RESOLUTION NO. 2026-04
OF THE
ZONING BOARD OF APPEALS
OF THE TOWN OF VAN BUREN**

Mr. Sykes made the following motion, seconded by Ms. McMahon:

John and Nancy Hourigan (“Applicants”) of 868 Gorham Road in the Town of Elbridge have applied for area variance relief from § 200-45 of the Town of Van Buren Zoning Code to allow the subdivision of property located at 7470 Perry Road, in such a manner as to create two (2) lots with nonconforming structures situated thereon within the front yard and side yard setback areas. The property, identified as Tax Map No. 04.-02-29 (“Property”), is located in the A-R 80 Zoning District.

Pursuant to § 200-45 of the Zoning Code, the front yard setback for a residential structure in the AR-80 Zoning District is 60 feet and the required side yard setback is 40 feet. As proposed, Lot 2 will have 1.7 feet of front yard setback (and in fact encroaches within the road right-of-way a distance of 2.8 ± feet) and 17.4 feet of side yard setback distance from the northern boundary line, and Lot 3 will have 13.2 feet of front yard setback distance and 17.3 feet of side yard setback distance from the southern boundary. In support of their request, Applicants cite to the existence of two (2) nonconforming residential structures on a single parcel and efforts to reduce the existing nonconformity by subdividing the parcel.

In support of the application, Applicants submitted an Application for Variance, dated March 1, 2026, and a subdivision plan titled “Hourigan – Perry Road Subdivision,” prepared by CNY Land Surveying, dated March 16, 2026. A public hearing on the variance application was held April 14, 2026. The Applicants appeared at the public hearing with Douglas Reith, their land surveyor, to address the area variance criteria and the concerns of the Board.

Based upon the foregoing, the Board resolves as follows:

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

2. It is determined that the requested variance relief **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Variance relief to allow the residential structures to remain within the front yard and side yard setbacks **will not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors **did not** express any opposition to the variance. There **is no** apparent method to achieve the benefit the Applicants wish to obtain, other than by means of variance relief and the benefit to the Applicants **does** outweigh any detriment to the neighborhood or community because of granting the variance relief.

3. The requested area variance relief is hereby **granted** to allow the residential structure on proposed Lot 2 to remain in a location with 1.7 feet of front yard setback distance from the road right-of-way on the northern edge of the structure and 17.4 feet of side yard setback distance from the northern boundary, and to allow the residential structure on proposed Lot 3 to remain in a location with 13.2 feet of front yard setback distance from the road right-of-way and 17.3 feet of side yard setback distance from the southern boundary, as depicted on the plan titled “Hourigan – Perry Road Subdivision,” prepared by CNY Land Surveying, dated March 16, 2026, and the “Survey for Variances” prepared by CNY Land Surveying, dated April 13, 2026, for property located at 7470 Perry Road, Tax Map No. 04.-02-29.

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u> X </u>	_____	_____
James Virginia	<u> X </u>	_____	_____
James Schanzenbach	<u> X </u>	_____	_____
James Bowes	<u> X </u>	_____	_____
Roger Roman	<u> X </u>	_____	_____

Claude Sykes	<u> X </u>	<u> </u>	<u> </u>
Jesse McMahon	<u> X </u>	<u> </u>	<u> </u>

Area Variance: TJA-NY-Van Buren Solar Farm, 1320 Kingdom Road, Tax ID # 042.-01-03.1

Svetlana Mikheyeva from Nexamp was present to address the Board. Applicant is requesting an area variance for a 15-inch encroachment on the western boundary. Applicant stated that the project has not yet reached the as-built stage, and that the encroachment was identified during review of the CAD drawings.

Chair questioned whether adjustment of relocation of the affected section was possible.

Applicant stated that their engineers are evaluating potential adjustments; however, due to the site being a covered landfill, a commitment was made to minimize disturbance of the land as little as possible.

Mr. Schanzenbach asked if there were other encroachments. Applicant responded no.

Mr. Schanzenbach inquired as to the current setback requirements for that boundary.

Applicant responded 24 feet.

Chair asked for any other comments or questions.

Mr. Virginia recalled that the applicant had previously acquired land on the western side and questioned the impact that it had on the requested variances.

Applicant confirmed that two variances have previously been approved. The initial setback variance was for 20 feet; following the acquisition of the additional land, the setback was increased to 24 feet.

Motion by Ms. McMahon, seconded by Mr. Roman to schedule a public hearing for May 12, 2026.

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

Use Variance: Brandon Thompson, 7272 West Dead Creek Road, Tax ID # 044.-02-26.0

Brandon Thompson was present to address the Board. Applicant is seeking a use variance to construct a pole barn intended solely for personal storage on a parcel that does not currently contain a primary residential structure.

Chair questioned why the structure could not be constructed on the adjoining parcel given that both lots are under the same ownership.

Applicant acknowledged that the plan presented is not current and clarified that the parcels are now owned by separate individuals.

Chair advised the applicant that, to comply with the zoning code, the proposed structure would need to be positioned further back on the parcel to avoid the placement of an accessory structure in front of the principal residential structure.

Chair questioned if there are plans for construction of a residential structure on said lot.

Applicant responded not at the moment.

Chair asked if the structure could be moved further back.

Applicant explained that the proposed location is the most ideal due to the level terrain.

Discussion was had between the Code Officer and Board Members regarding setback requirements, being that there is no existing principal structure.

Mr. Sykes stated that an accessory structure is not permitted on a property without a principal residential structure.

Chair suggested that the Applicant review the Code requirements for the use variance.

Town Attorney advised the Applicant that there are multiple factors to the use variance, one being is it a self-created hardship.

Chair informed the Applicant of the four factors required for consideration of a use variance and recommended that the Applicant return before the Board once those factors can be adequately addressed.

Site Plan: Tarpon Towers III LLC, 6758 West Sorrell Hill Road, Tax ID # 049.-04-25.0

Jarod Lusk of the Law Firm Nixon Peabody was present to address the Board. Applicant is seeking site plan approval for a proposed 190-foot lattice communication tower. Applicant stated that there is a neighboring tower located at 6910 West Sorrell Hill Road owned by American Tower Association, which Verizon is currently on.

Applicant explained that Verizon's lease term is coming to an end. Efforts have been unsuccessful in negotiating a new lease agreement with American Tower Association. To maintain coverage in the area, Verizon has contracted with Tarpon Towers to construct a new tower located south of the existing tower on a 2.3-acre lease.

Mr. Sykes asked whether the construction of a new tower was solely due to the parties' inability to reach the terms of a new lease agreement.

Applicant confirmed. Informing that Board that, due to a confidentiality agreement between Verizon and American Tower Association business terms cannot be disclosed.

Mr. Sykes questioned the proposed drop zone for the communication tower.

Applicant stated that there is a drop zone in agreement with the landowner, and if the tower fails, it would fall within the landowner's parcel.

Mr. Sykes asked whether, in the event the parcel is sold, the drop zone agreement would remain in effect.

Applicant confirmed, stating that the memorandum lease is on record.

Discussion was had between the Board members and Applicant regarding the lease agreement.

Mr. Sykes advised the Applicant that the proximity of two adjacent communication towers is not ideal and inquired whether this could become a recurring issue involving additional Verizon towers in the area.

Applicant could neither confirm nor definitively deny whether Verizon operates on additional American Tower facilities within the Town of Van Buren. Further explaining that, continued use of the existing tower is not financially feasible and that, without construction of a new tower in proximity, Verizon service could not maintain the same coverage.

Chair questioned whether all alternative locations had been explored.

Applicant explained that the ability for the tower to be transmitted from a specific location is critical to maintain the same level of coverage in the area.

Mr. Virginia requested to see an incremental analysis of the coverage gap locations should relocation to another existing tower within the Town occur.

Applicant explained that maps had been provided to depict anticipated impacts; however, the Applicant stated that an incremental analysis would be prepared and submitted.

Mr. Virginia and Chair agreed that only one alternative is currently being proposed and indicated they would like to see additional options, particularly as they relate to coverage areas to ensure what is being presented is the possible option.

Mr. Sykes informed the Board that a third-party review could be obtained to address the questions raised, at the expense of the Applicant.

Chair suggested that the Applicant comes back before the Board once more information is provided specifically regarding any alternative options.

Mr. Sykes inquired about the project timeline.

Applicant stated that the move would need to be made prior to 2027.

Chair informed the Applicant that the application had been submitted to Onondaga County Planning, and comments will be received in time for the next meeting.

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

Public Hearing - Subdivision: Harbor Heights/Small Parcel, Downer Street, Tax ID # 036.-03-21.0

Motion made by Mr. Sykes, seconded by Ms. McMahon to adjourn general session and enter back into the public hearing that was opened on March 10, 2026.

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

Dan Barnaba was present to address the board. Applicant is seeking subdivision approval of a preliminary plat to be conducted in two (2) phases. Due to wetlands located on the eastern portion of the property, a subdivision layout is being proposed depicting a 21-lot development, utilizing a phased approach while awaiting approval of the DEC General Permit to allow construction of the entire site.

Chair stated that the Board is only considering approval of Phase One, which depicts six (6) lots, with a stormwater management area, and a temporary hammerhead turnaround.

Chair asked if anyone would like to speak for or against the application.

Resident No. 1 expressed concern regarding the location of Phase Two stormwater runoff in relation to his dwelling, citing potential damage to his foundation as a result of the right-of-way and the installation of a tunnel.

Applicant explained that a stormwater permit and stormwater plan have been prepared and that the criteria established by the state have been met. Furthermore, modification of the site in any way that would increase the volume or the pace in what water leaves the site is not allowed.

Town Engineer stated that review of the stormwater management plan is underway. Additionally, it was explained that an easement could be granted to the Town to allow for maintenance of the drainage, and that a basin would be installed along the side of the road and extend past Resident No. 1's foundation.

Resident No. 2 inquired about the location of the new road in its proximity to Route 31, expressing concern regarding safety should a school bus stop in that area. Additionally, Resident No. 2 expressed dissatisfaction with the number of homes being proposed for construction.

Mr. Sykes stated that the distance is 225 feet from Route 31.

Resident No. 3 also expressed concern regarding stormwater runoff from the site.

Chair reiterated that the NYS DEC would not allow the Applicant to put any other water or change the velocity of the water in which it comes off the site. Adding that if an easement is necessary, it will be worked out.

Resident No. 3 referenced a previous meeting in which it was recommended by the Applicant to the Town Engineer to obtain an easement through said area.

Applicant stated that the Town Engineer meant if a pre-existing problem could be alleviated, this would be the time.

Mr. Virginia added that water control could be conducted through catch basins, piping, or grading, all options that present itself with this project.

Resident No. 3 questioned where the water flows.

Mr. Sykes stated that the flow is to the west. Adding that specifics will be provided with the SWPPP.

Resident No. 4 expressed concern with the phased approach, recommending the approval of the site plan in its entirety when it was ready for such review.

Resident No. 5 questioned what would occur if construction on Phase One begins, and Phase Two does not get approved.

Applicant stated that the design of Phase Two is dependent on permit approval from the DEC regarding wetlands. The determination of the amount of lots is dependent on the permit decision, being that the parcel is zoned PUD lots of a certain dimension are able to be constructed.

Chair stated that the reasoning being a phased approach is due to Phase One not being impacted by DEC and pending permit approval. If said permit is denied they must comply with a 100-foot buffer, if approved they will be allowed a 25-foot buffer. The overall final plan is dependent on the DEC determination.

Resident No. 5 asked if water mitigation has been reviewed and approved.

Chair responded no. Informing Resident No. 5 that the Board is only reviewing and approving lot layout at this time.

Mr. Virginia further commented that Phase Two contains too many unresolved issues.

Mr. Sykes added that, depending on the final Wetland determination, there may be the potential for a second means of egress.

Applicant advised the Board that a ruling issued by an Albany County judge determined that the State's wetland regulations were illegally adopted. The decision allows a 60-day period to file an appeal, during which time a stay must be requested to maintain the regulations currently in effect.

Applicant added that an application is currently in with the DEC for jurisdictional determination. The boundary depicted on the plans was identified by a professional service provider, which was

verified by the DEC. If it is determined that it is not a wetland, the original layout can be reimplemented giving the additional access point that many prefer.

Applicant stated that the advantage of phasing would allow the project to advance while awaiting determination of the remainder of the property.

Resident No. 6 expressed dissatisfaction with the tree clearing, specifically noting that debris remained on his property and requested that it be cleaned up.

Applicant confirmed that the remaining debris would be removed.

Resident No. 6 indicated that he was under the impression that a buffer area would be preserved.

Applicant clarified that no buffer was included in the current plan due to the need to install drainage in that area.

Resident No. 6 requested an explanation of the purpose and function of a stormwater management area.

Applicant stated the stormwater from the site would be collected in either of the areas shown and would not be discharged from the site at a rate greater what it does currently.

Chair explained the full drainage process and stated that if any additional water issues arise, the Applicant will be required to correct it.

Town Engineer stated that the proposed swale would intercept stormwater before it enters residents' backyards and redirect it to the stormwater management areas.

Chair stated that all drainage issue concerns would be addressed and that all Town, State and DEC regulations will be met following completion of the review process.

Resident No. 7 raised concerns regarding the potential increase in taxes associated with additional residential development.

Chair stated that conversations with the school district have taken place, and that no opposition has been expressed.

Resident No. 8, via email, expressed concerns regarding drainage and traffic and conveyed frustration about not feeling heard.

Resident No. 9, via email, expressed concerns regarding only one means of egress, and the ability to safely and efficiently exit the roadway in the event of an emergency.

Motion by Mr. Schanzenbach, seconded by Mr. Sykes to close the public hearing and return to general session.

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

Mr. Virginia, Chair and Mr. Schanzenbach collectively advised the residents that, through the multiple plans presented and meetings held, the builder has been working with the Board to reach an agreement on a plan that would be satisfactory for all.

Motion by Mr. Virginia, second by Mr. Sykes, 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.

Motioned by Mr. Virginia, seconded by Mr. Sykes to approve the Phase One (1) subdivision plan for Harbor Heights section 10 as shown on the stamped drawing dated January 28, 2026, by Ianuzi & Romans Land Surveying P C, and lots being 1, 2, 3, 4, 20, and 21 with a proposed stormwater area. With the condition that the plan gets signed by the land surveyor.

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

Motion by Mr. Sykes, seconded by Mr. Schanzenbach, to adjourn to the next regular meeting on May 12, 2026, at 6:00 PM.

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

Meeting Closed at 7:58PM

Respectfully submitted,

Kamri Kiteveles, Codes Clerk