

Planning/Zoning Board Meeting of the Town of Van Buren held on May 12<sup>th</sup>, 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

Absent: Ms. Jesse McMahon Planning Board Member

Also Present:

Mr. Rich Andino Town Attorney

Mr. Jason Hoy Town Engineer

Mr. Chaz Gambino Director of Codes

Ms. Kamri Kiteveles Codes Clerk

Mrs. Jennifer Sullivan Town Councilor

**Minutes:**

Motioned by Mr. Sykes, seconded by Mr. Roman, to approve the minutes of April 14<sup>th</sup>, 2026, as published.

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

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

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

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

Corey Auerbach of Barclay Damon appeared before the Board on behalf of the Applicant. The Applicant is requesting an area variance for a 2-foot (15-inch) encroachment into the required setback along the western boundary. The Representative stated that the project has not yet reached the as-built stage and that the encroachment was identified during review of the CAD drawings.

Representative explained that two previously approved area variances pertain to the western boundary. The first variance was for twenty feet and was amended following the acquisition of an additional four feet along the property line; had the original variance remained in effect, no encroachment would exist.

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. Sykes to close the public hearing and return to general session.

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

Chair inquired whether the required variance was two feet, as previously stated, or 15 inches.

Representative confirmed two feet.

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

**RESOLUTION NO. 2026-05  
OF THE  
ZONING BOARD OF APPEALS  
OF THE TOWN OF VAN BUREN**

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

TJA-NY Van Buren Solar Farm, LLC seeks area variance relief to construct a 5-megawatt ground-mounted photovoltaic solar energy facility on 34-acres located on Kingdom Road, Tax Map No. 042.-01-03.1 (the “Property”), pursuant to Section 200-93(C) and Article XV of the Town of Van Buren Zoning Code. The Property is located in the AR-80 (Agricultural Residential) Zoning District.

The Applicant previously received area variance relief on or about February 14, 2023, to allow the construction of the proposed ground-mounted photovoltaic solar energy facility on the Property with a 20-foot west side yard setback distance. In 2024, the project received amended area variance relief, increasing the setback distance on the west side to 24 feet. After constructing the solar facility, the Applicant discovered the existence of a minor as-built encroachment affecting one row of solar arrays installed on the west side of the site. The Applicant has confirmed that one rack row is located approximately 1.25 feet (approximately 15 inches) inside the approved setback area. As represented by the Applicant, the request for amended variance relief does not change or expand the project; rather, the relief is intended to reconcile the approved plans with the as-built condition of the facility.

In support of its request, the Applicant submitted an application for amended area variance relief, an Agricultural Data Statement, and an amended site plan depicting the as-built conditions prepared by C&S Companies, titled “Van Buren Solar Site.” Notice of the public hearing was duly published. The public hearing was held on May 12, 2026. A representative for the Applicant appeared at the public hearing to explain the proposal and address the concerns of the Board. No one from the public appeared to either support or oppose the application.

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

1. The Board does hereby ratify and re-affirm its prior negative declaration, dated November 15, 2022, which had determined that the issuance of an area variance, site plan approval, and special use permit to operate the proposed solar facility will have no potential adverse environmental impacts.
2. Relative to Section 200-93 of the Zoning Code and the request for an area variance

to reduce the side yard setback from 100 feet to 22'7" along the western boundary, the Board issues the following findings and determinations:

- a. The abutting land use is primarily active agricultural fields and the Property is state superfund property. It is determined that amended variance relief will not produce any undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.
- b. Due to the state superfund status of the Property, area variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighboring property owners did not express any opposition to the variance.
- c. Having constructed the solar array and confirmed the location of the array with an as-built survey, there is no apparent method to achieve the benefit the Applicant wishes to obtain, other than a variance and the benefit to the Applicant does not outweigh any detriment to the neighborhood or community because of granting the variance relief.

3. Area variance relief to reduce the side yard setback from 100 feet to 22'7" along the western boundary is hereby granted.

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>	_____	_____
Jesse McMahon	_____	_____	<u>X</u>

**Area Variance: Mark Moriarty, 7310 New State Route 31, Tax ID # 050.-01-25.0**

Mark Moriarty was present to address the Board. Applicant is requesting an 8-foot area variance for a 20-foot single car garage detached accessory structure to be located within the front yard. Applicant stated that, due to the topography of the parcel, the proposed location is the only feasible site for said construction.

Chair inquired about access to the garage, and the proposed location of the door.

Applicant stated that the garage door would face the residential structure and that the garage would be positioned at a slight angle relative to the plane of the residence.

Chair and Mr. Schanzenbach concurred with the Applicant that, due to topography of the site, no reasonable alternative locations exist.

Mr. Virginia and Chair requested that an as-built survey be conducted upon completion.

Mr. Virginia noted that the requested 8-foot variance was not accurate, as the measurement has not been taken from the existing building line of the primary structure.

Chair advised the Applicant to work with the Code Enforcement Office to determine the minimum relief necessary.

Motion by Mr. Sykes seconded by Mr. Roman to schedule a public hearing for Tuesday June 9<sup>th</sup>, 2026.

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

**Use Variance: John Romeo, 2290 Downer Street, Tax ID # 033.1-05-10.2**

John Romeo and Robert Singletary were present to address the Board. Applicants are seeking a change in use to permit an urgent medical care facility to occupy an existing vacant suite located at 2290 Downer Street. Applicant Romeo advised the Board that the original site plan approval was for a drive-through restaurant, which was never constructed. Applicant Romeo further stated that only interior renovations are proposed, with no exterior modifications.

Chair requested clarification regarding the hours of operation and proposed signage.

Applicant Romeo stated that he would review the prior site plan approval to confirm whether signage was included.

Mr. Schanzenbach inquired whether additional doors would be necessary, and if the grease trap has been installed.

Applicant Romeo confirmed the grease trap was previously installed and denied the need for additional egresses.

Mr. Schanzenbach raised a concern regarding parking, to which Chair confirmed that the Code Enforcement Officer had reviewed the matter and raised no objection.

Chair requested the hours of operation.

Applicant Singletary stated that the hours of operation would be 8:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday.

Mr. Bowes inquired about the number of employees that would be on site.

Applicant Singletary stated that there would be between seven and nine employees brought on.

Mr. Schanzenbach asked what the typical number of employees on site during daily operations would be.

Applicant Singletary stated there would be 4 to 5 employees daily.

Motion by Mr. Sykes, seconded by Mr. Virginia to schedule a public hearing for June 9<sup>th</sup>, 2026.

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

**Special Use: Louis Kimball V, Perry Road, Tax ID # 043.-02-29.0**

Representative John Marzocchi of Germain & Germain, and Applicant Louis Kimball V were present to address the Board. Applicant is requesting a special use permit for approval to store landscaping equipment within a pre-existing structure on a 3.5-acre parcel located on Perry Road. Representative informed the Board that there are currently two barns on the parcel, one of which straddles the northern property boundary line, and that a demolition permit has been submitted for the removal of that encroaching structure.

Representative further noted that Town Code Section 200-22(e)(2) permits the use of an existing barn for the storage of non-perishable materials, provided that no significant exterior alterations to the structure are made.

Applicant informed the Board that the primary business is located in Liverpool, and that the proposed location would be utilized for storage purposes, with lawn mowers to be kept inside the structure and a limited amount of larger equipment stored at the rear of the barn. Applicant further stated that no materials would be stored outdoors on a long-term basis, aside from the large-scale equipment.

Chair asked if any improvements would be made to the Barn.

Applicant stated that no work would be performed on the barn, aside from the installation of a concrete floor, and that no structural or exterior modifications are proposed.

Chair inquired whether signage would be proposed. Applicant responded no.

Mr. Bowes asked about lighting. Applicant stated only internally.

Chair questioned the accessibility to the parcel from the main road.

Applicant confirmed there is an existing driveway off of Perry Road.

Mr. Virginia inquired if fencing would be installed. Applicant stated no.

Chair inquired with the Town Attorney whether there were any concerns regarding the approval of storage use on the parcel in the absence of a primary residential structure.

Town Attorney stated that a determination must be made as to whether the application should be classified as a use variance or a special use permit.

Chair stated that further research would be conducted and a determination made prior to the next meeting.

Motion by Mr. Sykes, seconded by Mr. Virginia to schedule a public hearing for Tuesday June 9<sup>th</sup>, 2026.

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

**Public Hearing – Tarpon Towers III LLC, 6758 West Sorrell Hill Road, Tax ID # 049.-04-25.0**

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

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

Jarod Lusk of the Law Firm Nixon Peabody, Michael Crosby of RF Design, Brett Buggeln of Tarpon Towers and Doug Morrison real estate consultant were present to address the Board on behalf of Tarpon Towers III LLC and Verizon. Applicants are seeking site plan approval for a proposed 190-foot lattice communication tower on a 2.3-acre lease located at 6758 West Sorrell Hill Road.

Applicant Lusk stated that a neighboring tower located at 6910 West Sorrell Hill Road, owned by American Tower Association, which Verizon is currently located. Applicant Lusk further explained that Verizon's lease term is ending, and efforts to negotiate a new lease agreement have been unsuccessful, necessitating the construction of a new tower in close proximity in order to maintain existing coverage.

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

Motion by Mr. Virginia, 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, Mr. Schanzenbach- Yes, Mr. Budosh- Yes

Applicant Lusk addressed the question raised at the previous meeting concerning potential additional issues involving American Tower and advised the Board that there are no other American Towers within the Town providing Verizon services.

Applicant Lusk stated, in response to the Board's inquiry regarding alternative locations within the Town, that in order to maintain the same coverage, the tower would have to remain in close proximity to the existing site, leaving no other ideal location.

Discussion was had regarding the necessary tower height in relation to the ASML, as well as the projected coverage loss in the event the existing Verizon antennas from that location were removed.

Mr. Schanzenbach inquired whether there was a method to determine the number of users pinging a tower on a daily basis.

Applicant Crosby responded yes and provided a detailed explanation of how the number is determined.

Mr. Virginia expressed concern regarding the location of two towers in close proximity and questioned whether the option of a taller, lighted tower had been explored.

Applicant Crosby explained that the proposed location is the most suitable option and that the construction of a taller tower is not feasible.

Mr. Virginia and Applicant Crosby discussed the height necessary to maintain the existing coverage and the factors that are involved with the planning and construction of a tower.

Chair questioned if the Applicants had been in contact with Onondaga County DOT.

Applicant Lusk stated no.

Chair asked for the construction timeline and the location of the access point.

Applicant Buggeln explained that the FAA clearance must be obtained, the NEPA review must be finalized, which is anticipated to take an additional four to six weeks, and consultation with the Onondaga County Department of Transportation is required regarding the access point. Once those items are completed, construction is expected to take approximately two to three months from start to finish, with hopes of beginning late summer to early fall.

Town Engineer advised the Board and the Applicants that 50 feet of asphalt is required at the bottom of the driveway. Furthermore, portions of the driveway profile exceed the maximum grade allowed.

Applicant confirmed they would show the requirement on the final site plans.

Mr. Schanzenbach expressed concern with the material being proposed for the access point and suggested allowing the Board more time to review the Site Plans.

Chair agreed, recommending approval for the Special Use Permit, and continuation review of the Site Plan.

Applicants confirmed, suggesting their Engineer meet with the Town Engineer to discuss any concerns there may be. Additionally, Applicants acknowledged that any and all Town Code requirements will be met.

**RESOLUTION NO. 2026-06  
OF THE  
ZONING BOARD OF APPEALS  
OF THE TOWN OF VAN BUREN**

Mr. Sykes made the following motion, seconded by Mr. Roman:

Tarpon Towers III, LLC (“Applicant”) seeks a special use permit to construct and operate a wireless telecommunications facility, consisting of a 190’ telecommunications tower and associated equipment, on a .23-acre portion of a 6.9 acre parcel located at 6758 West Sorrell Hill Road, Tax Map No. 049.-04-25.0 (the “Property”), owned by Benjamin DiMauro, pursuant to Section 200-80(C)(5) of the Town of Van Buren Zoning Code. The Property is located in the AR-80 Zoning District.

In support of the request, the Applicant submitted a Special Use Permit application, an Agricultural Data Statement, a Notification to Surrounding Property Owners of Pending Action, a Full Environmental Assessment Form (“EAF”), narrative addressing Zoning Code Sections 200-32, 200-79(B)(5-10), and 200-80(C)(5), and site plan documents prepared by Tectonic, last revised March 26, 2026, consisting of Sheets T-1 “Title Sheet,” AD-1 “Adjoiners Plan,” SB-1 “Setback Plan & Bulk Requirements,” C-1A “Overall Site Plan,” C-1B “Driveway Plan & Profile,” C-2

“Site Detail Plan,” C-3 “elevation & Orientation Plan,” C-4A “Site Details,” C-4B “Site Details,” C-4C “Site Details,” and C-5 “Equipment Elevations.” In addition, Attorney Jared Lusk appeared on behalf of the Applicant to explain the proposal and address the concerns of the Board. Of particular concern to the Board, Attorney Lusk identified available alternative tower inventory within the Town, efforts to relocate existing antennae, coverage concerns, and the adequacy of service.

The application was referred to the Onondaga County Planning Board (“OCPB”) pursuant to General Municipal Law Section 239l, m and n, and by resolution dated April 22, 2026, OCPB Case #Z-26-93, the OCPB recommended the following modification:

“[t]he Onondaga County Department of Transportation requires the applicant to coordinate West Sorrell Hill Road access plans with them. 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.”

There was no objection to the proposal at the Zoning Board of Appeal’s public hearing, which was held on May 12, 2026, pursuant to public notice.

Based upon the submissions of the Applicant 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 the May 12, 2026, 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 AR-80 that is separated by power lines running from north to south. The proposed project site is on the western portion of the Property. The proposed use is consistent with the long-term development objectives of such area, 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 telecommunications facility use complies with Town requirements. The proposed tower will be situated within a fenced-in 75' x 54' equipment area, which is located in a wooded area at the rear of the site. The equipment area will contain a 50kW generator on a 4' x 8' concrete pad and battery and equipment cabinets. Wireless antennas and dual band RRH units are proposed to be installed at the top of the tower. As a result of the placement of the facility on the Property, it 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. The tower and equipment area will be accessed by means of a proposed 12'-wide gravel access road, connected to West Sorrell Hill Road, a county road, near the northern end of the site's frontage;
  - e. The use is designed and shall be operated in a manner that minimizes off-site disturbance of natural and cultural resources. The proposed facility will be situated on a .23-acre portion of the larger 6.9-acre parcel. The footprint of the telecommunications tower and equipment area has been minimized to minimally disturb agricultural soils and is consistent with the soil capabilities of the site to accommodate the use and water runoff has been properly controlled;
  - f. Emissions from the proposed wireless telecommunication facility are minimal and shall not impact surrounding properties;
    - a. The physical characteristics of the Property are suitable for and conducive to the proposed wireless telecommunication facility, without modification to the established character of the surrounding area; and
    - b. The cumulative impacts of the wireless telecommunication facility will not unreasonably interfere with or diminish the continued use, enjoyment or growth of the surrounding area or community which is characterized by large agricultural parcels, one of which is similarly improved with a telecommunications facility.
3. A Special Use Permit to construct and operate a wireless telecommunications facility, consisting of 190' telecommunications tower with accessory equipment area, is hereby

granted, in accordance with Section 200-80(C)(5) of the Zoning Code, for property located at 6758 West Sorrell Hill Road, Tax Map No. 049.-04-25.0.

Roll Call Vote:

	Aye	Nay	Other
Mark Budosh	<u>X</u>	<u>    </u>	<u>    </u>
James Virginia	<u>    </u>	<u>X</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 McMahan	<u>    </u>	<u>    </u>	<u>X</u>

Discussion was had with the Board regarding a possible upcoming Van Buren Road development submission.

Motion by Mr. Roman, seconded by Mr. Sykes to adjourn to the next regular meeting on June 9<sup>th</sup>, 2026, at 6:00 PM.

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

Meeting Closed at 7:25 PM

Respectfully submitted,

Kamri Kiteveles, Codes Clerk