



TOWN OF VAN BUREN
 7575 VAN BUREN RD.
 BALDWINVILLE, NY 13027
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 www.townofvanburen.com

Planning/Zoning Board of the Town of Van Buren, 7575 Van Buren Rd, Baldwinsville, New York, held on April 11, 2023 at 6:00 p.m.

Those present joined in the Pledge Allegiance to the Flag.

Roll Call:	James Virginia	present
	Jamie Bowes	excused
	Roger Roman	present
	Claude Sykes	present
	Jim Schanzenbach	present
	Mark Budosh	present

Also Present: Nadine Bell, Town Attorney
 Jason Hoy, Town Engineer
 Christopher Perdue, Code Enforcement Officer

MINUTES

Motion by Mr. Bowes to approve the February 14, 2023 meeting minutes. Seconded by Mr. Roman. Motion Carried.

- **Jammer’s, 3535 Walters Rd, Subdivision for change in property line in IN-A Zone, Tax ID# -55-04-02.7.**

The applicant representing Jammers addressed the board. Future expansion will be 5 ft. which is unusable to the town. The town engineer concurred with this.

Town Attorney Bell said because this is a conveyance of property this will have to be referred back to the town for a permissive referendum.

Chairman Budosh asked the board for comments. None

Chairman Budosh made a motion to ratify and reaffirm the previous finding of this to be an unlisted action SEQR.

Motion by Mr. Bowes, seconded by Mr. Sykes. Motion carried and approved.

A public hearing is scheduled for May 9, 2023 at 6 pm to approve, as this is a sub division.

Motion by Mr. Bowes, seconded by Mr. Sykes. Motion carried and approved.

- **Gerald Haselmayer, Kingdom and Perry Rd, Baldwinsville, NY 13027 For a Subdivision to increase the square footage of two existing parcels of land located in AR80 Zoning District, Tax Map ID#042.-01-08.1**

Mr. James Lighton, J.R.L. Land Surveying PLLC, is present to address the board. Increase the square footage of two existing parcels of land fronting on Kingdom & convey remaining lands to create three lots.

27.99 acre parcel tax ID 042.-01-08.1 conveying 0.39 acre to parcel tax ID# 042.-01-09.0 and 0.86 acre to parcel tax ID# 042.-04-8.2.

Two lots each 3.6 acres

Park fees are \$450 as this will become three lots.

Issues have been addressed from previous meeting.

Comments. Mr. Virginia questioned one of the driveways. After discussion, driveway will remain.

Motion made by Chairman Budosh to schedule a public meeting on May 9, 2023 at 6:00 pm to approve sub division.

Motion made by Mr. Schanzenbach, seconded by Mr. Sykes. Motion carrier and approved.

Chairman Budosh made a motion to declare the Town of Van Buren, Planning and Zoning Board, lead agency, a single agency, uncoordinated review for the type unlisted action for the Gerald Haselmayer, Kingdom and Perry Rd., Baldwinsville, NY for a subdivision to increase the square footage of two existing parcels of land located in an AR80 zoning district, Tax ID#042.-01-08.1

Motion by Mr. Sykes, seconded by Mr. Schanzenbach.

Motion carried and approved.

- **FOOD BANK OF CNY-SITE PLAN FOR EXPANSION & SUBDIVISION-7066 INTERSTATE ISLAND RD.-TAX MAP ID #056.-03-11.0-(IN-A)**

Town Attorney Bell addressed the board. After granting approval of this project, the applicant received federal funding through HUD. Because this is federal funding the project has to go through the NEPA process, equivalent to the NYS Quality Review Act. The Town of Van Buren has been asked by the applicant to complete the NEPA process. This will require an environmental review, requires

that the town be a responsible entity, which requires completion and publication of the findings with a fifteen (15) day comment period.

Once that period has passed, the town issued a request to HUD that the NEPA process has been completed, the fifteen (15) comment period has been met a request for funding will be made.

Mr. Napierala, Managing Engineer/President, has prepared the environmental assessment report with a summary.

This will be published in the Post Standard newspaper on Tuesday April 18, 2023, calculating fifteen (15) from this date.

Town Attorney reads the resolution for the record as follows:

Town of Van Buren Planning Board/ Zoning Board of Appeals
Resolution No. 23-_____

The following Resolution was offered by Member Sykes and seconded by Member Virginia to wit:

WHEREAS, the Food Bank of Central New York (the “Food Bank”) has proposed a project (the “Project”) to expand its existing facility at 7066 Interstate Island Road, within an industrial park located in the Town of Van Buren, New York (the “Project Site”); and

WHEREAS, the Project is comprised of three additions totaling approximately 33,920 square feet (“SF”), to the Food Bank’s existing building, to provide additional warehouse, office, and operational space; and

WHEREAS, the Town of Van Buren Planning Board/ Zoning Board of Appeals (the “Planning Board”) is a unit of local government within the Town of Van Buren, with jurisdiction under the Town Code to provide land use approval authority and responsibility over the Project; and

WHEREAS, the Planning Board is familiar with both the Project and the Project Site which is located in an existing industrial park, and has previously reviewed the Project pursuant to the Town’s Zoning Regulations and assessed the environmental impacts of the Project under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Food Bank is seeking partial funding for the Project from the United States Department of Housing and Urban Development (“HUD”) through a federal Fiscal Year 2023 Economic Development Initiative/Community Project Funding grant administered by HUD, and before such funding may be released by HUD, the environmental impacts of the Project must be reviewed in accordance with the National Environmental Policy Act (“NEPA”); and

WHEREAS, “Responsible Entities” are authorized to assume HUD’s responsibilities under NEPA, pursuant to its regulations at 24 CFR Part 58, titled: “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities” (“HUD’s Environmental Review Regulations”); and

WHEREAS, the Food Bank is a “Recipient” for purposes of HUD’s Environmental Review Regulations because it is eligible to receive funding as a direct grantee of funding administered by HUD; and

WHEREAS, upon designation by the Town Supervisor, the Planning Board has agreed to act as the “Responsible Entity” to conduct an environmental review of the Project under NEPA on behalf of HUD; and

WHEREAS, the Planning Board is authorized to act as the “Responsible Entity” for HUD pursuant to 24 CFR 58.2 (a) (7) (ii) (C), as it is a unit of general local government within which the Project is located that exercises land use responsibility over the Project, and HUD has agreed to allow the Planning Board to act as Responsible Entity; and

WHEREAS, the Project is neither exempt nor categorically excluded from review under NEPA and therefore, an Environmental Assessment (“EA”) dated March 1, 2023 was prepared by Napierala Consulting Professional Engineer PC, to evaluate and address the potential environmental or historical impacts of the Project, in accordance with 24 CFR §58.40; and

WHEREAS, as required by §§ 58.40, 58.5 and 58.6 of HUD’s Environmental Review Regulations, the EA describes, identifies, and analyzes the following:

1. existing conditions, including the character, features and resources of the project area and its surroundings, and trends that are likely to continue in the absence of the Project;
2. all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the Project;
3. all impacts to determine the significance of their effects on the human environment and whether the Project will require further compliance under related laws and authorities cited in §§ 58.5 and 58.6 of HUD’s Environmental Review Regulations;
4. feasible ways in which the Project or external factors relating to the Project could be modified in order to eliminate or minimize adverse environmental impacts;
5. the need for the Project, appropriate alternatives to the extent it involves unresolved conflicts concerning alternative uses of available resources, the environmental impacts of the action and alternatives, and a listing of the agencies and persons consulted;
6. all environmental review requirements necessary for the Project’s compliance with applicable authorities in §§ 58.5 and 58.6 of HUD’s Environmental Review Regulations;
7. the Project’s impact on: historic properties; floodplain management and wetland protection; coastal zone management; sole source aquifers; endangered species; wild and scenic rivers; air quality; farmlands protection; HUD’s environmental standards, including the Project Site’s freedom from hazardous materials, contamination, toxic chemicals and gases, and radioactive substances; and other proposed sites in the general proximity of the Project Site that may contain or may have contained hazardous wastes; environmental justice; and
8. that the Project Site is not within an area identified by FEMA as a special flood hazard area; is not within the Coastal Barrier Resource System; and is not in a Runway Clear Zone; and

WHEREAS, during its regularly scheduled meeting on October 11, 2022, the Planning Board reviewed an Environmental Assessment Form (“EAF”) pursuant to SEQRA, and issued a negative declaration, a determination that the Project will not have a significant environmental impact and that no Environmental Impact Statement (“EIS”) will be prepared; and

WHEREAS, the Planning Board has reviewed the EA document and accepts and adopts its assessments, findings, and conclusions, including the following Findings:

1. The Food Bank has proposed an expansion of their existing facility to improve logistical operation efficiencies, meet its current and future food distribution demands, and maintain its increasing growth in other programs and initiatives.

2. No alternative Project locations were evaluated given the extent of capital investments made and the existing facility’s central geographic location within their service area.

3. Project alternatives evaluated included a No-Action alternative and the proposed facility expansion.

4. The expansion project will be comprised of three additions to the facility, totaling approximately 33,920 SF. Of the total 33,920 SF expansion, 6,330 SF on the east side of the facility will be dedicated for office space and 27,590 SF will be for facility operations space (20,800 SF and 6,790 SF on the west and south sides of the facility, respectively).

5. The Property is zoned Industrial-A (IN-A), is not located within an agricultural district, and is the location of the Food Bank’s existing main facility and operations center.

6. No potential impacts to soil and geology, other than from typical construction activities, are anticipated for the proposed action.

7. No potential impacts to water quality and quantity are anticipated for the proposed action.

8. No potential impacts to wetlands are anticipated for the proposed action, as none exist on the Property.

9. No potential impacts to floodplains are anticipated for the proposed action, as none exist on the Property.

10. No potential impacts to threatened/endangered species and/or critical habitats are anticipated for the proposed action due to the absence of critical habitat and minimal proposed land clearing.

11. No potential impacts to cultural resources are anticipated for the proposed action since the Property is not within or adjacent to any historical districts or federally listed historic places.

12. Potential positive impacts are anticipated for environmental justice for the proposed action, as the proposed action would improve food access and security for at-risk populations within the Food Bank’s 11-county service area.

13. No potential impacts to traffic are anticipated from the proposed action, as inter-site vehicle maneuvering will improve with the proposed action and increased traffic from deliveries is not of substantial volume.

14. No potential impacts related to noise, other than from typical construction activities, are anticipated for the proposed, as all generated noise is compliant with Chapter 134 of the Town of Van Buren Town Code, titled “Noise”.

15. No potential impacts to air quality are anticipated from the proposed action.

16. No potential impacts are anticipated to coastal zone management from the proposed action, as none exist on the Property.

17. No potential impacts are anticipated to sole source aquifers from the proposed action, as one does not serve the Property nor its adjacent properties.

18. No potential impacts to wild and scenic rivers are anticipated from the proposed action, as none exist at or near the Property.

19. No potential impacts to farmland protection are anticipated from the proposed action. While prime farmland has been identified on the Project Site; the Property is on industrially zoned land, is not within a designated agricultural district, the Property has been previously developed, and is sited between two major interstate highways on federally designated high intensity development land.

20. Other than short term impacts to noise and soil from construction activities, this Environmental Assessment Report has not identified any negative long-term impacts to the environment in relation to the proposed action; and

NOW, THEREFORE, be it resolved as follows:

1. The Project is neither exempt nor categorically excluded from review under NEPA.
2. The Planning Board hereby determines that the Project will have no significant impact on the human environment, and therefore, an Environmental Impact Statement under NEPA is not required for the Project. This determination constitutes a Finding of No Significant Impact (“FONSI”) for purposes of NEPA.
3. Additional information relating to the Planning Board’s environmental review process is contained in the Planning Board’s Environmental Review Record (“ERR”). The ERR shall be on file at the Town Hall, Town of Van Buren, 7575 Van

Buren Road, Baldwinsville, New York 13027, and may be examined or copied weekdays 8:30 A.M. to 4:00 P.M.

4. In conformance with the requirements of the National Environmental Policy Act of 1969, the Planning Board hereby issues the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (“Notices”), which is attached as Appendix A.

5. The aforementioned Notices are intended to satisfy two separate procedural requirements for activities to be undertaken by the Food Bank as Recipient of the grant and the Town of Van Buren Planning Board, as Responsible Entity.

6. The Notices (Appendix A) will establish a public comment period to notify any individual, group, or agency that they may submit written comments on the ERR to the Town Planning Board at the address indicated in the Notices. The Notices provide that all comments submitted to the Planning Board by May 3, 2023 will be considered by the Planning Board before it authorizes submission of a request for release of funds to the Food Bank by HUD.

7. On or about May 4, 2023, the Town of Van Buren Planning Board as Responsible Entity shall authorize the Food Bank of Central New York to submit a request to the United States Department of Housing and Urban Development (HUD) for the release of Economic Development Initiative Community Project Funding Grant program funds under the Consolidated Appropriations Act of 2023, as amended, to undertake a project known as the Food Bank of Central New York Facility Expansion, to expand its existing facility at 7066 Interstate Island Road, Baldwinsville, New York. The Facility Expansion will consist of subdividing/combining two adjacent parcels and constructing a total of 33,920 square feet of building area on the west, east and south sides of the existing building, for additional warehouse and office space, for a total anticipated cost of \$7,739,565, of which \$2,000,000 will be funded through the Economic Development Initiative Community Project Funding Grant.

8. The Planning Board shall certify to HUD that Mark Budosh, in his capacity as Chairman of the Planning Board, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Food Bank of Central New York to use Program funds.

9. The Notices shall advise the public that HUD will accept objections to its release of funds and the Town of Van Buren Planning Board’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Town of Van Buren Planning Board; (b) the Town of Van Buren Planning Board has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Therese Atwell of HUD at 26 Federal Plaza, New York, New York 10278.

Potential objectors should contact HUD to verify the actual last day of the objection period.

10. The Planning Board does hereby adopt the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds and shall publish same in the official newspaper for the Town of Van Buren.

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

April 11, 2023
Town of Van Buren Planning Board
7575 Van Buren Road
Baldwinsville, New York 13027
(315) 635-3009

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Food Bank of Central New York (Grant Recipient) and the Town of Van Buren Planning Board (Responsible Entity).

REQUEST FOR RELEASE OF FUNDS

On or about May 4, 2023, the Town of Van Buren Planning Board as Responsible Entity will authorize the Food Bank of Central New York to submit a request to the United States Department of Housing and Urban Development (HUD) for the release of Economic Development Initiative Community Project Funding Grant program funds under the Consolidated Appropriations Act of 2023, as amended, to undertake a project known as the Food Bank of Central New York Facility Expansion, to expand its existing facility at 7066 Interstate Island Road, Baldwinsville, New York. The Facility Expansion will consist of subdividing/combining two adjacent parcels and constructing a total of 33,920 square feet of building area on the west, east and south sides of the existing building, for additional warehouse and office space, for a total anticipated cost of \$7,739,565, of which \$2,000,000 will be funded through the Economic Development Initiative Community Project Funding Grant.

FINDING OF NO SIGNIFICANT IMPACT

The Town of Van Buren Planning Board has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the Town Hall, Town of Van Buren, 7575 Van Buren Road, Baldwinsville, New York 13027, and may be examined or copied weekdays 8:30 A.M. to 4:00 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Town of Van Buren Planning Board, 7575 Van Buren Road, Baldwinsville, New York 13027. All comments received by May 3, 2023 will be considered by the Town of Van Buren Planning Board prior to authorizing submission of a request for release of funds. Comments should specify which notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The Town of Van Buren Planning Board certifies to HUD that Mark Budosh, Chairman of the Planning Board, in his capacity as Chairman of the Planning Board (Certifying Officer), consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Food Bank of Central New York to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the Town of Van Buren Planning Board's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Town of Van Buren Planning Board; (b) the Town of Van Buren Planning Board has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Therese Atwell of HUD at 26 Federal Plaza, New York, New York 10278. Potential objectors should contact HUD to verify the actual last day of the objection period.

Name and Title of Responsible Entity Certifying Officer:

Mark Budosh, Town of Van Buren Planning Board Chairman

- **CDS Housing, Zone Change Application, East side of Van Buren Rd across from Caserta Dr., in a PUD, Tax ID# 031.-03-06 and 031.-03-07.**

The applicant is requesting a zone change for the above parcels located on the east side of Van Buren Road across from Caserta Dr at the Van Buren intersection. The proposed zone change to the PUD includes over 5 acres of undeveloped land in an R40 zone. Parcels on the north, east and west sides are zoned PUD.

The applicant is requesting the zone change to allow for the development of 70 residential apartment units with parking, clubhouse and playground. Forty percent (40%) of the proposed units will be American Disabilities Act (ADA) and seven (7) unit will be fully ADA accessible. Eighteen (18) of the proposed units will provide housing for individuals with development disabilities that will be supported through the Cayuga Centers integrated supportive housing program. The remaining units will be developed as affordable work force housing that will offer reduced rents, for families and individuals making less than the area median income 80%, 60% or 50% for the greater Baldwinsville community. To qualify

for a reduced rate rental unit an individual would need an income less than \$49,840 or \$71,120 for a family of four (4). The reduced rents are based on maximum allowable rent limits which are required through a 50-year regulatory agreement with the state. There are no age restrictions associated with the reduced rent program so seniors will be eligible to participate.

Discussion included:

- Cayuga Centers offers a higher level of independence
- Maintenance of the property will be done by Cayuga Centers
- Families have to be vetted to be considered
- Sewers and Drainage
- Fire Departments will be contacted for their input on radius turns
- No elevators in buildings
- Buildings will be totally electric
- No Centro transportation available at this time but “Call Ahead” transportation will be available

This will be presented to the Town Board for review at the April 19, 2023 meeting.

- **Coby Grunder, 7175 Jones Rd, expand property line for a future garage expansion, Tax ID #060.-04.03.0, Zoning Res.**

Coby Grunder addressed the board and has been before this board previously. The applicant is requesting to reduce the setback requirement in the PUD from 60 ft. minimum to 50 ft. minimum to add a garage, to subdivide 0.246 acres from tax ID# 060.-04-02.1, location of 7201 Jones Rd. and add this acreage to tax ID#060.-04-03.0 location of 7175 Jones Rd for a total acreage of 0.568 acre. The 7201 Jones Rd property is the Soccer Center.

Chairman Budosh stated that the recommendation to change the PUD has to come from Mr. Peter Ramin and he needs to be present before the board, or submit a letter in writing. Town Attorney read a letter dated December 12, 2022 from Mr. Peter Ramin (copy attached) for the record.

Chairman Budosh stated there are parking issue concerns on Jones Rd during events at the soccer center and these needs to be addressed.

Mr. Ramin needs to be present for the other issues that can result in changing the PUD.

Mr. Schanzenbach asked the applicant if going forward with the zone change, will a variance be needed to add the garage. The Code Officer stated no variance would be needed.

The board is in favor of this but needs to be sure the proper process is followed.

- **DG New York CS IV, LLC Memphis Solar Facility, 6734 State Route 31, Memphis, NY. Tax ID 047.-02-06.1 Site Plan Extension Request**

Janet Ward, Lead Project Manager Development addressed the board with the site plan extension request and provided:

- Site Plan approval extension application
- Copy of Site Plan Approval Resolution dated May 14, 2021
- 911 Address letter issued by Syracuse Onondaga County Planning Agency dated September 23, 2021
- New York State Thruway Authority approval of one in portrait single axis tracker dated May 10, 2022
- Update glare study for one in portrait single axis tracker design dated April 27, 2022
- C-201, C-203, C-204 of approved site plan drawings
- E-101 site plan for one in portrait single axis tracker design

Town attorney Bell stated that there is a solar moratorium in effect which includes extensions. Because this solar project is a land use, the only relief comes from the legislative body not the town.

Town attorney Bell said the Planning Board can extend the approval and then refer it to the town board with that recommendation.

Discussion on size of panels
Solar Moratorium

Chairman Budosh made a motion to extend the prior plan with a modification given the benefits to be realized on plan C-201 dated 11/16/2020 and E-101 only for reference of the panels subject to the following conditions: (1) proposed landscaping plan and (2) fencing following landscaping plan.

Motion by Mr. Sykes, seconded by Mr. Schanzenbach. Motion carried and approved.

- **DCH Property Holdings, 2511 Warners Rd, Self Storage Expansion Project, Tax ID 053.-08-28.1**

Site modification to build 14 pole barns as shown on the map. There will continue to be one side access only.

East basin fully built out. Lighting will remain same and will be shown on drawing. There is 10 ft between smaller buildings. Landscaping remains the same.

Comments: refer to county

SWPP has to be updated.

This is an unlisted action with EAF (full document)

Open SEQR at next meeting

Chairman Budosh made the motion to refer DCH to County. Motion made by Mr. Virginia, seconded by Mr. Sykes.

Motion approved.

Motion to hold public hearing on May 9, 2023 for DCH property holdings at 6:00 p.m.

Motion made by Mr. Virginia, seconded by Mr. Roman.

Motion carried and approved.

- **R&R Properties of CNY, 7574 Van Buren Rd., Baldwinsville, NY, Project Selling Sheds on premise, Tax ID 031.-03-10.0, PUD**

CHA Consultants is present to address the board on how to move forward with the selling of sheds on the property. Applicant has been cited as no building permit has been obtained.

Code Officer has spoken to applicant. A special use permit would rectify the situation.

Board suggested that the applicant work together with the codes department as they have been provided with some good solutions to this. This will be taken back to R&R Properties to come to some mutual satisfaction.

***Next ZB/PB Meeting will be held May 9, 2023**